REDRESS

Ending torture, seeking justice for survivors

TORTURE NORMALISED: STATE VIOLENCE IN INDIA

June 2025



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ACRONYMS

AFSPA	Armed Forces Special Powers Act
BNSS	Bharatiya Nagarik Suraksha Sanhita (Replaced Code of Criminal Procedure)
BNS	Bharatiya Nyaya Sanhita (Replaced Penal Code)
BSA	Bharatiya Sakshya Adhiniyam (Replaced Evidence Act)
BJP	Bharatiya Janata Party
BSF	Border Security Force
CHRI	Commonwealth Human Rights Initiative
CSO	Civil Society Organisation
HRCttee	UN Human Rights Committee
ICCPR	UN International Covenant on Civil and Political Rights
MASUM	Banglar Manabadhikar Suraksha Mancha
NCAT	National Campaign against Torture
NCRB	National Crime Records Bureau
NGO	Non-governmental Organisation
NHRC	National Human Rights Commission
SHRC	State Human Rights Commission
UAPA	Unlawful Activities (Prevention) Act
UNCAT	UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
UPR	UN Universal Periodic Review
WGAD	UN Working Group on Arbitrary Detention

ACKNOWLEDGEMENT AND METHODOLOGY

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EXECUTIVE SUMMARY AND RECOMMENDATIONS

Torture and ill-treatment in India are not isolated occurrences – they are systemic, deeply entrenched, and frequently carried out by State authorities with impunity. Although India signed the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (UNCAT) in 1997, it remains one of only 21 countries globally that has yet to ratify the treaty.

The lack of a specific offence of torture under Indian law results in the absence of comprehensive official data on acts that constitute torture or ill-treatment under international law. Reports of State violence compiled by the National Human Rights Commission (NHRC) highlight a disturbing pattern, and yet they fail to capture the full extent and severity of the issue – partly due to concerns about the NHRC's independence and effectiveness. Meanwhile, Indian civil society organisations (CSOs) and human rights defenders continue to document and expose the widespread practice of torture and other grave human rights violations, despite significant risks of reprisals.

Building upon the important work and activism of these civil society actors, this report demonstrates that in practice, torture has become normalised in India.

Police and security forces routinely use torture and ill-treatment as a tool of law enforcement. Instances of physical and sexual violence, as well as other forms of custodial abuse, are far too common. Alarming rates of deaths in custody have been recorded for years, yet they remain largely unaddressed. Extrajudicial killings in so-called police 'encounters', during counter-terrorism operations, and in specific regions of the country, are similarly prevalent. Torture is commonly employed by authorities during investigations to extract confessions or information from alleged offenders, or to target individuals from marginalised communities.

To prevent such abuses, India's legal framework provides certain safeguards for individuals deprived of liberty, such as the right to legal counsel, medical examination upon arrest, and presentation before a magistrate within 24 hours. The Supreme Court has issued additional protections, including the installation of CCTV cameras in police stations. However, recent reforms of criminal laws have been criticised for expanding police powers and diluting protections. Additionally, the gap between India's legal framework and its implementation – including due to systemic disregard for due process and weak judicial oversight – is alarming.

State violence in India also unfolds in an increasingly hostile context characterised by the shrinking of civic space. Restrictions on the operation of civil society organisations and curbs on freedom of speech, association, and assembly, have been accompanied by the use of arbitrary arrests and torture to silence dissenting voices, including human rights defenders, activists, and journalists. During peaceful demonstrations, authorities have shown complete disregard for international standards on the use of force, with both lethal and less-lethal weapons used indiscriminately against protesters – resulting in hundreds of deaths. Misuse of counter-terrorism legislation against dissidents has become common, as vague and overly broad provisions enable abuse. The Unlawful Activities (Prevention) Act (UAPA) allows individuals – and not only organisations – to be designated as "terrorists" and criminalised for "unlawful activities" such as causing disaffection against India. The law permits extended pre-trial detention and

imposes stringent bail conditions that make release significantly difficult. Ultimately, the very process of bogus criminal prosecution under the law often becomes a form of punishment itself, as recognised by the Supreme Court.

Marginalised communities, particularly Scheduled Castes (Dalits) and Scheduled Tribes (Adivasis), are significantly impacted by State violence. Despite constitutional and legislative protections, these groups continue to experience systemic discrimination, torture, and other forms of violence. Discriminatory social norms drive civilian violence against them and impunity for such acts further exposes them to abuse by police and security forces. Reports detail severe beatings, sexual violence, caste-based verbal abuse, and other forms of ill-treatment in custody – some of which result in death.

Religious minorities, including Muslims, Christians, and Sikhs, also face heightened risks of torture, extrajudicial killings, and other forms of abuse by State actors. Discriminatory and nationalist rhetoric and policies have made such violence increasingly acceptable. Torture of individuals from religious minorities in custody remains a serious concern. State actors have also been implicated in violence against these groups during protests, in response to intercommunal unrest, in law enforcement operations, and under the guise of preventing alleged "cow-smuggling". Additional punitive measures against religious minorities, such as demolishing homes and places of worship, deepen their marginalisation.

For historical and political reasons, certain regions in India have experienced widespread systematic violence by security and armed forces. These include Chhattisgarh, the India-Bangladesh border region, the Union Territory of Jammu and Kashmir, and India's northeastern border region, including the state of Manipur. Often under the guise of fighting insurgency and terrorism, authorities have reportedly committed torture, extrajudicial killings, and enforced disappearances on a regular basis. Indian authorities routinely justify these violations by relying on the Armed Forces Special Powers Act (AFSPA) and the UAPA, which – despite having the features of emergency measures – operate absent a formal declaration of a state of emergency and remain in force for prolonged periods. Through the AFSPA, state Governments or the national Government can designate certain areas as "disturbed", thus granting the armed forces extensive and unchecked powers to arrest, search, and use lethal force against people in these areas. The AFSPA thus facilitates widespread killings and acts of torture by the armed forces and allows for such acts to be committed with impunity. UN bodies and experts, as well as CSOs, have repeatedly called for the repeal or amendment of the AFSPA and the UAPA, which are still in force, unchanged.

Impunity for torture in India remains the norm. Although mechanisms exist to receive complaints and conduct investigations into torture and other State abuses, justice and accountability remain largely out of reach for victims and survivors. Many face harassment, intimidation, or even further violence for attempting to report complaints. Police authorities frequently delay or refuse to register First Information Reports, a necessary step for investigations to proceed. Where investigations do occur, they are often marred by delays, poor documentation, and lack of independence, with police officers often interfering or trying to cover up their own abuses. External complaints bodies such as the Police Complaints Authorities – which were meant to be independent –, where operating, continue to heavily rely on police personnel to investigate their own colleagues, undermining impartiality. Similarly, the NHRC has proven largely ineffective; despite receiving a high volume of complaints, it issues recommendations in relatively few cases, rarely calling for disciplinary action, and has not recommended prosecutions of perpetrators. Although compensation has been awarded to some victims, the NHRC is unable to enforce its recommendations.

Additional barriers to accountability are the requirement of prior sanction before State authorities can be prosecuted, and the wide immunities applied to the armed forces and to State officials carrying out counter-terrorism operations. Under the Bharatiya Nagarik Suraksha Sanhita (BNSS) – which replaced the Indian Code of Criminal

Procedure – proceedings cannot be commenced against public servants, including police officers, without permission from the state or central Government. This is a major obstacle to accountability as such permission is rarely granted. At the same time, the broad immunities provided for military personnel and other security forces under the AFSPA and the UAPA allow for human rights violations to be committed with impunity.

This context of normalisation of torture and impunity for perpetrators in India has drawn growing concern from UN treaty bodies and experts. However, the international community's response has been limited. While several States made recommendations on this issue during India's 2022 Universal Periodic Review (UPR), many States have refrained from publicly criticising India's human rights record in bilateral settings. India's strategic and geopolitical position and importance in global trade have contributed to a reluctance among States to exert meaningful diplomatic or economic pressure, allowing patterns of abuse to persist largely unchallenged.

To address the crisis of torture and ill-treatment in India, this report offers a set of targeted recommendations for the Indian Government and the international community, calling for urgent and concerted efforts to undertake legal and policy reforms to prevent torture, ensure justice and reparation for survivors, and take any other measures needed to eradicate torture and other grave crimes in the country.

Recommendations

To the Government of India

International commitments and legislative reform

- Establish a clear and time-bound roadmap for the ratification of UNCAT.
- Ratify the Optional Protocol to UNCAT and establish an effective and independent National Preventive Mechanism (NPM) to regularly monitor all places of detention.
- Criminalise torture as a separate offence in domestic law, in line with UNCAT, for instance by amending the Bharatiya Nyaya Sanhita (which replaced the Indian Penal Code).
- Amend sections 148-150 of the Bharatiya Nagarik Suraksha Sanhita (which replaced the Code of Criminal Procedure), to clearly define when assemblies may be dispersed and ensure any use of force meets the principles of legality, necessity, and proportionality, strictly prohibiting lethal force, in line with the UN Guidance on Less-Lethal Weapons, the UN Model Protocol on Protest Management, and other international standards.
- Immediately amend or repeal counter-terrorism legislation to ensure compliance with international law, including legal certainty, necessity, proportionality, and the protection of fundamental rights. In particular, the Unlawful Activities (Prevention) Act, the Armed Forces Special Powers Act, the National Security Act, and the Jammu and Kashmir Public Safety Act should be reviewed to ensure that:
    a. Provisions that grant unchecked powers to authorities and allow for prolonged pre-trial detention are repealed.
    b. These laws do not include vague or overly broad language that may allow their misuse to target human rights defenders, activists, and others who dissent or who belong to marginalised communities.
    c. Individuals suspected of terrorism-related offences are provided all legal safeguards, including protection from arbitrary detention, access to prompt and impartial judicial review, and fair trial rights.
    d. The use of security measures in 'disturbed areas' is limited, temporary, proportionate, necessary, and subject to independent judicial oversight.

- Repeal provisions that grant immunity to public officials or require prior Government sanction to prosecute public officials accused of torture and other grave crimes, such as extrajudicial killings, from all relevant domestic laws.
- Amend the Protection of Human Rights Act to make the National Human Rights Commission's (NHRC) recommendations binding and allow this body to investigate allegations of torture or other abuses by armed forces.
- Adopt comprehensive legislation prohibiting discrimination, including intersectional, direct and indirect discrimination, to protect religious minorities and other marginalised groups from torture and other forms of violence, ensure complaints are investigated, and perpetrators are held accountable.

Implementing and enforcing anti-torture standards

- Immediately release all those arbitrarily detained.
- Ensure the enforcement and regular judicial oversight of legal safeguards for all persons deprived of liberty from the moment of arrest, including prompt access to a lawyer, information on rights, judicial oversight, independent medical examinations, and the right to inform a family member, in line with international standards.
- Integrate human rights and anti-torture training into the regular curriculum for police, prison staff, security personnel, prosecutors, and judicial authorities, including on the Méndez Principles on Effective Interviewing, the Istanbul Protocol, and the Minnesota Protocol.
- Instruct judicial magistrates to proactively inquire into allegations of torture or ill-treatment during remand hearings in accordance with international standards, and exclude any torture-tainted evidence from any legal proceeding, except when used against the alleged perpetrator as evidence of the torture.

Addressing impunity

- Enable and safeguard the work of CSOs that document torture and support survivors, including by providing funding, ensuring an enabling legal and policy environment, refraining from the use of laws to restrict their operations, and protecting human rights defenders from intimidation, harassment, or reprisals.
- Ensure the systematic collection and publication of disaggregated data on allegations of torture and ill-treatment, active investigations, and sanctions imposed.
- Ensure all victims of torture and their families, including those in detention, can safely report complaints to independent bodies and are protected from reprisals.
- Ensure that all allegations of torture are documented in accordance with the Istanbul Protocol, including through mandatory, independent medico-legal examinations.
- Conduct prompt, impartial, and effective investigations into all allegations of torture, deaths in custody, extrajudicial killings, and other grave violations.
- Ensure that the NHRC can carry out its mandate effectively and independently, including by ensuring that personnel involved in the investigations are totally independent and have adequate training and expertise on the investigation of torture and other grave violations.
- Ensure the same high standards of investigation are adopted in all cases, including those involving human rights defenders, lawyers, journalists, members of religious or other marginalised communities; and that all victims and survivors in India have access to justice and reparation.
- Launch nationwide public awareness campaigns to challenge the normalisation of torture and promote accountability and respect for human rights.

To the international community

- Prioritise the eradication of torture and ill-treatment in engagement with India, including through bilateral and multilateral partnerships, development cooperation, and diplomatic dialogues.
- Integrate human rights benchmarks, including the prohibition of torture, into all trade, investment, and security cooperation agreements with India.
- Publicly and consistently raise concerns over the use of torture, ill-treatment, and extrajudicial killings to silence dissent and oppress religious or other minorities in India.
- Promote the investigation of torture and other serious human rights violations to ensure accountability for perpetrators through all available means, including under the principle of universal jurisdiction when appropriate.
- Support Indian CSOs working to document human rights violations, provide legal assistance, and advocate for justice and accountability, including through funding and protection mechanisms.
- Encourage and support India's ratification of UNCAT, including through diplomatic engagement and cooperation on legislative and institutional reform.
- Use diplomatic and multilateral forums, including the UN Human Rights Council, to call for independent investigations into allegations of torture in India, and to press for the implementation of recommendations from UN treaty bodies and special procedures.

INTRODUCTION

> **"The dehumanizing torture, assault and death in custody which have assumed alarming proportions raise serious questions about the credibility of rule of law and administration of criminal justice system. The community rightly gets disturbed. The cry for justice becomes louder and warrants immediate remedial measures."**
>
> – India's Supreme Court in Munshi Singh Gautam v. State of M.P.[1]

Torture and ill-treatment of detained individuals in India have been systemic and persistent issues.[2] As early as 1980, the National Police Commission acknowledged the widespread use of custodial torture by the police to "achieve quick results by short cut methods".[3] The National Human Rights Commission (NHRC) reported in 2018 that "custodial violence and torture is so rampant in India that it has become almost routine".[4] India's Supreme Court and other national courts have also highlighted the abuse of power by law enforcement and the lack of accountability for torture and other serious human rights violations.[5]

To this day, civil society organisations, human rights defenders, and survivors continue to expose the use of torture by law enforcement and security forces in various contexts. Torture has been documented during criminal investigations, where beatings, rape, and other forms of violence in police and judicial custody are used to extract confessions, obtain information, or punish individuals. In 2024 alone, 130 complaints of custodial death were recorded which increased the number of complaints pending before the NHRC to 2,448 cases of custodial death.[6]

Equally concerning is the use of extrajudicial killings in so-called police 'encounters', where the killing or shooting with an intent to kill or cause permanent disability of suspected individuals is often perceived as an acceptable crime-control measure.[7] Torture and other abuses are also widespread in regions designated by the State as 'disturbed areas'[8] – allegedly affected by terrorism and insurgency –, where security forces, including the Armed Forces[9] perpetrate violence against civilians and marginalised groups.[10] Similar violations take place in military operations in regions that are not categorised as 'disturbed areas'.[11]

1 2005 (9) SCC 631.
2 Upendra Baxi, India: A great betrayal: State impunity continues for acts of torture. Lawmakers and court have not stepped up to their duty, 13 December 2017.
3 Law Commission of India, Report No. 273, Implementation of 'United Nations Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment' through Legislation (**Implementation of UNCAT**), October 2017, p. 35. See also National Police Commission, Fourth Report, June 1980, p. 8, s 27.26.
4 National Human Rights Commission (**NHRC**), Annual Report 2017–2018, p. 44.
5 Francis Coralie Mullin v Administrator, Union Territory of Delhi 1981 (1) SCC 608; Gauri Shanker Sharma v State of U.P. 1990 SCC (SUPP) 656; see also Law Commission of India, Implementation of UNCAT, October 2017, p. 35.
6 Between January and December 2024, the NHRC recorded 2,170 reports of custodial deaths in its Monthly Salient Statistics Of Cases Registered/Disposed By NHRC; see also Human Rights Watch (**HRW**), India: Events of 2024, 2025.
7 Frontline, The Hindu Instant injustice: On state high-handedness: The state must not be allowed to adopt the playbook of the mob', 4 April 2025.
8 According to the Armed Forces (Special Powers) Act 1958, a 'disturbed area' is an area which is for the time being declared by notification under s 3 to be a disturbed area. The power to declare an area as 'disturbed' lies with the Governor in the case of a state and with Union Territory Administrator or the central Government in case of a Union Territory.
9 'Armed forces' includes military and para-military forces such as India's Border Security Forces, the Assam Riffles, Central Reserve Police Force. See India Today, From CRPF to BSF: Know the various defence forces of India and their roles, 15 February 2019.
10 HRW, India, Events of 2024, 2025.
11 Frontline, Civil society groups call for ceasefire in Bastar, condemn escalating violence against Adivasis, 5 April 2025.

Excessive use of force amounting to torture or ill-treatment has also been documented in the policing of peaceful assemblies, where authorities violently disperse and intimidate protesters.[12] This occurs in an increasingly hostile environment where political dissidents, journalists, and human rights defenders face torture and other forms of violence, as well as prosecutions under anti-terror legislation as part of a broader strategy to silence dissent.[13] Structural discrimination against religious minorities and other marginalised communities such as Dalits and Muslims also makes these groups disproportionately affected by violence at the hands of law enforcement.[14]

This dire situation has drawn the attention of UN experts, treaty bodies, and the Universal Periodic Review (UPR) Working Group, who have repeatedly expressed concern and urged India to ratify the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (UNCAT) and implement measures to address torture.[15] In July 2024, the UN Human Rights Committee (HRCttee) expressed alarm over high rates of deaths in custody, reprisals against victims' families, and the use of torture, including rape, against detainees – particularly those from minority groups.[16] The HRCttee also condemned the use of counter-terrorism legislation in so-called 'disturbed areas', which has led to:

> [W]idespread and grave human rights violations, including excessive use of force leading to unlawful killings, arbitrary detention without formal charges for years, habeas corpus petitions that are not dealt with expeditiously, sexual violence, forced displacement and torture and ill-treatment.[17]

Even though India signed UNCAT in 1997 and has repeatedly assured ratification, it has yet to ratify the treaty.[18] It has also failed to criminalise torture as a distinct offence within its domestic legal framework, as attempts to enact an anti-torture law through a Bill introduced by the Government in 2010 and private Bills in 2017, 2018, and 2022 have faced significant challenges and been stalled.[19] The 2023 criminal law reforms have also been criticised for weakening safeguards against police abuse by expanding police powers, extending custody limits, and failing to ensure accountability for offences committed by public servants.[20] The lack of criminalisation of torture, combined with the poor enforcement of anti-torture standards and the weaponisation of legislation to target specific groups, creates an enabling context that perpetuates torture. Its widespread practice, normalisation, and the lack of adequate responses from the State also contribute to a culture of impunity that allows perpetrators to continuously commit such violations with no fear of accountability.

The prevalence of torture and ill-treatment in India has alarmed courts outside India as well, particularly in extradition cases, where courts refused to extradite Indian nationals against whom there are valid extradition orders

12 Amnesty International (**AI**), India: Excessive use of force, arbitrary detention and punitive measures against protesters must end immediately (**India: Excessive use of force**), 14 June 2022; Delhi Minorities Commission, Fact-Finding Report on the North-East Delhi Riots of February 2020, July 2020.

13 BBC, Siddique Kappan: Indian journalist released from jail after two years, 2 February 2023.

14 CNN, Indian police use violence as a shortcut to justice. It's the poorest who bear the scars, 3 December 2020; South Asia Justice Campaign, Torture, Impunity, and Religious Minorities in India, unpublished, p.9; Citizens Against Hate, Everyone Has Been Silenced: Police Excesses Against Anti-CAA Protesters in Uttar Pradesh, and the Post-violence Reprisal, 2 March 2020.

15 UN Human Rights Council (**HRC**), Report of the Working Group on the Universal Periodic Review (**UPR 2022**), 14 December 2022, A/HRC/52/11.

16 UN Human Rights Committee (**HRCttee**), Concluding Observations on the fourth periodic report of India (**Concluding Observations 2024**), 25 July 2024, CCPR/C/IND/CO/4, para. 33.

17 HRCttee, Concluding Observations 2024, para. 27.

18 UN Office of the High Commissioner for Human Rights (**OHCHR**), Ratification Status for India.

19 The Bill was first introduced in 2010 and passed the Lok Sabha (lower house of the Parliament of India). It was referred to a select committee in the Rajya Sabha (upper house of the Parliament of India). The select committee made recommendations but the Bill lapsed with the dissolution of Lok Sabha for a general election. In 2017, 2018, and 2022, Bills to prevent torture were introduced as Private Members' Bills, but these were unsuccessful.

20 Common Cause, Three New Criminal Laws, 2024.

on the basis of risk of torture and ill-treatment, even when thorough assurances were provided by the Indian Government.[21] Despite such findings by national courts and 31 States' recommendations to India in its 2022 UPR,[22] the international community's reaction to the deteriorating situation in India has been limited, with many States reluctant to criticise India's human rights record in their bilateral engagement with India.[23] India is a country of significance in the global trade of goods and services,[24] which compounded by its geopolitical significance, results in States' hesitation to exert economic and diplomatic pressure to address human rights issues.

This report sheds light on the ongoing and widespread torture, ill-treatment, and other forms of State violence in India, which demand urgent attention. It documents the patterns of torture, including custodial rape and other forms of violence in police and judicial custody, and extrajudicial killings in police 'encounters' (Part I). The report also highlights how torture is used not only as a tool of political repression but also as a means of discriminatory oppression, affecting groups such as political dissidents, religious and ethnic minorities, and individuals in regions marked by conflict and insurgency (Part II). Additionally, the report reveals significant flaws and gaps in India's national legal framework which fails to prevent or address such abuses (Part III), and underscores the entrenched culture of impunity that allows perpetrators to act without fear of accountability (Part IV). Finally, the report makes specific recommendations to India towards the prevention, investigation, and prosecution of torture and ill-treatment, and to other States, which have an obligation to uphold the absolute prohibition of torture.

21 See Bhandari v Government of India [2025] EWHC 449 (Admin). The District Judge, whose finding on the issue was affirmed by the High Court, relied on a number of factors and sources to conclude that the risk of torture and ill-treatment by police officers or other investigatory bodies had been well established. These included India's lack of ratification of the UNCAT; the Indian Supreme Court's acknowledgement of torture since the case of D.K. Basu v State of West Bengal 1997 1 SCC 416; reports by the Law Commission of India and the NHRC; and expert opinion. Also see Government of the Union of India v Virkaran Awasty, 11 April 2025, and Asian Centre for Human Rights, Torture Update: India, December 2018.

22 UN HRC, UPR 2022, paras. 151–152.

23 Sandeep Kumar, India's Geopolitical Rise in Context: Regional Implications, 22 May 2023.

24 Soutik Biswas, India: Is the Fastest-Growing Big Economy Losing Steam? 10 December 2024.

PATTERNS OF TORTURE



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A policeman walks into Tihar Jail, New Delhi. Torture in Indian prisons remains widespread, with documented cases of brutal beatings and custodial deaths.

Torture in India is perpetrated in various contexts and takes multiple forms, such as beatings and sexual violence in police and judicial custody – including following arbitrary arrests or during unlawful detention–,[25] and extrajudicial killings in so-called police 'encounters'. Under UNCAT, the definition of torture includes four elements: (i) severe pain or suffering, whether physical or mental; (ii) inflicted intentionally; (iii) for a specific purpose, such as to obtain a confession, punish, intimidate or coerce, or for any reason based on discrimination of any kind; (iv) by or at the instigation of, or with the consent or acquiescence of a public official or other person acting in an official capacity.[26] Based on this definition, this section of the report examines the most prevalent patterns of torture carried out by State actors in India. Through documented case examples, it illustrates how torture remains a systematic tool of law enforcement and investigation, reinforcing control and intimidation, despite international legal prohibitions.

25 Detention of individuals with no legal basis or process and outside formal places of detention in India is sometimes referred to as 'informal custody'. See Raj Kumar Singh, Ensuring Justice: The Legal and Constitutional Boundaries of Police Authority in India, 2024.

26 UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted 10 December 1984, entered into force 26 June 1987) 1465 UNTS 85 (**UNCAT**), art 1.

Torture in Police Custody

> **"[T]he threat to human rights and bodily integrity are the highest in police stations."**
>
> – Nuthalapati Ramana, India's former Chief Justice, 2021.[27]

Torture has long been entrenched in India's law enforcement practices, a legacy dating back to colonial times.[28] To date, it remains a significant concern and a practice that is widely used, including as an integral part of investigation techniques.[29]

Given that there is no definition of torture in Indian law, statistics pertaining to cases of torture are difficult to obtain through official Government agencies like the National Crime Records Bureau (NCRB) and the Bureau of Police Research and Development. Although the NCRB recorded a number of torture cases registered against the police between 2017 and 2022,[30] the number is significantly low compared to the relevant data recorded by the NHRC and Indian civil society which are presented further in this report. Besides civil society organisations' (CSOs) reports, the data compiled by the NHRC provide evidence linked to instances of torture. The NHRC provides a detailed overview of cases of human rights violations reported to it each year, and has consistently illustrated that custodial torture by authorities has become normalised across the country.[31] Yet, the NHRC's statistics are limited to cases of deaths in custody and do not include all cases of torture.[32] Underreporting is also an issue, since in most cases, the victim's lawyer, CSOs or human rights defenders are the ones who report incidents of torture to the NHRC, and many individuals in custody do not have access to legal representation or civil society advocacy.

The practice of torture is so widespread and common that it appears to be generally accepted by the police.[33] A nationwide survey of roughly 12,000 police personnel in India conducted in 2019 found that around 37% of police officers considered it their role to punish people for (alleged) minor offences, 75% felt that police are justified in being violent towards suspected criminals, while approximately 80% found it acceptable to beat up suspects to extract confessions.[34]

Custodial torture in India – like in other contexts – most commonly occurs within the first 24 hours after an individual's arrest, before they are presented before a magistrate.[35] It is also reported that the risk of torture in police custody increases when a magistrate orders that the detainee be held in police custody for 15 days or more.[36] Torture is often used during interrogations to extract confessions or punish individuals for alleged crimes.[37] A 2025

27 Amrit Dhillon, India's Police Stations Are a Threat to Human Rights, Says Chief Justice, 10 August 2021.
28 Qadeer Alam, Historical Overview of Torture and Inhuman Punishments in Indian Sub-continent, 2018.
29 Dr. Alan Mitchell's expert opinion in Bhandari v Government of India [2025] EWHC 449 (Admin), para. 117.
30 National Crime Records Bureau (**NCRB**), Cases Registered against State Police Personnel for Human Rights Violation for the years 2017, 2018, 2019, 2020, 2021, and 2022.
31 NHRC, Annual Report 2021-22; Annual Report 2019-20; Annual Report 2018-19; Annual Report 2017-2018; Annual Report 2016-2017; Annual Report 2015-2016; Annual Report 2014-2015; Annual Report 2013-2014; Annual Report 2012-2013.
32 See for example the lack of a category for instances of torture in NHRC statistics: NHRC, Human Rights Case Statistics – December 2024, 2024; National Human Rights Commission, Guidelines on Custodial Deaths/Rapes, December 1993.
33 Nitya Ramakrishnan, In Custody: Law, Impunity and Prisoner Abuse in South Asia, May 2013, pp. 3- 4.
34 Common Cause and Lokniti–Centre for the Study of Developing Societies, Status of Policing in India Report 2019: Police Adequacy and Working Conditions, 2019, p. 131.
35 Raja Bagga, Over 60% of Deaths in Police Custody Are Within 24 Hours of Arrest, 26 October 2020. See also National Campaign Against Torture, India: Annual Report on Torture 2019, 26 June 2020, p. 11.
36 The Indian Express, Maximum Police Custody Still 15 Days, Can Be Spread Over Two Months: Amit Shah, 2 July 2024.
37 National Campaign Against Torture, India: Annual Report on Torture 2020, 18 March 2021, pp. 17, 66.

report by the News Minute, an Indian news platform, uncovered data on an increased pattern of the police causing fracture injuries (broken limbs) of detained individuals.[38] The report indicated that at least 304 accused persons remanded to Chennai's Central Prisons in the State of Tamil Nadu had fracture injuries by the police between January 1 and October 7, 2024.[39]

In July 2024, a Dalit woman named Sunitha was reportedly tortured to coerce a confession after being summoned to the Shadnagar police station in Hyderabad, Telangana, in connection with an alleged theft, according to media reports. Sunitha "alleged that she was severely beaten on her legs with leather belts, police men stomped on her hands, kicked in her ribs and also tried to pour candle wax on her", releasing her only when she was barely conscious.[40] In a separate case in September 2024, two detainees suspected of murder were reportedly beaten with iron pipes and lathis (bamboo rods commonly used by police for crowd control) by police officers while in custody. According to media reports, both individuals "were beaten up into confessing to the murder".[41] A human rights group in the state of Tamil Nadu stated that both victims were hospitalised and required treatment in the intensive care unit, with one presenting "injuries in his body that hinted at extreme police torture".[42]

CASE STUDY: CUSTODIAL TORTURE FOR CONFESSION RESULTING IN DEATH

TAMIR JIFFRY

On 31 July 2023, Tamir Jiffry, a 30-year-old resident of Malappuram (Kerala), was arrested by the District Anti-Narcotics Special Action Force of the Kerala police for alleged drug possession.[43] He was arrested and detained at Tanus police station along with other young people. The police allegedly tortured Tamir and at least four others to extract confessions that they had possessed psychotropic substances.[44] The day after his arrest, Tamir collapsed and died in custody. The police claimed his death was due to a drug overdose, but his family expressed suspicion that this was not the real cause of his death.

An autopsy conducted by a forensic surgeon revealed 21 wounds on Tamir's body, suggesting he may have been subjected to custodial torture.[45] According to the autopsy report, the injuries were caused by "force contact with handcuff" and "forced beating with blunt weapon and cylindrical weapon".[46] The report attributed Tamir's death to the combined effects of multiple force injuries, consumption of a narcotic drug, and underlying coronary artery disease. Tamir's custodial torture and death sparked public outcry.[47]

38 The News Minute, TN police's 'slippery' toilets: Data shows over 300 suspects fractured limbs in custody, 20 May 2025.
39 The News Minute, TN police's 'slippery' toilets: Data shows over 300 suspects fractured limbs in custody, 20 May 2025.
40 News Nine, Hyderabad: Shadnagar DI, Five Constables Suspended for Torturing Dalit Woman in Custody, 5 August 2024; The Times of India, Dalit Woman Stripped and Tortured in Theft Case in PS, 5 August 2024.
41 The New Indian Express, CB-CID takes over probe into murder of ex-cop in Kancheepuram, 8 November 2024.
42 The News Minute, Police accused of torturing two murder suspects in Kancheepuram, SHRC launches probe, 30 September 2024.
43 The News Minute, AIIMS Confirms Tamir Jiffry Died Due to Custodial Torture by Kerala Police, 9 July 2024; Metro Vaartha, Drug Case Accused's Custodial Death: CBI Arrests Four Kerala Policemen, 4 May 2024.
44 Metro Vaartha, Tanur Custodial Death Case: CBI Arrests Four Kerala Policemen, 4 May 2024.
45 The News Minute, AIIMS Confirms Tamir Jiffry Died Due to Custodial Torture by Kerala Police, 9 July 2024.
46 Onmanorama, Tanur Custodial Death: Pinarayi Says Kerala Police Best in India, Satheesan Hits Back, 10 August 2023.
47 The News Minute, AIIMS Confirms Tamir Jiffry Died Due to Custodial Torture by Kerala Police, 9 July 2024.

The case was handed over to the Central Bureau of Investigation which, in May 2024, arrested four police officers in connection with Tamir's death. In July 2024, the All India Institute of Medical Sciences in Delhi confirmed that Tamir died as a result of custodial torture inflicted by the Kerala police.[48]

Beyond extracting confessions, torture in police custody is also used to intimidate or punish individuals.[49] For example, in September 2024, two women alleged that they were tortured in police custody following their arrest over protests against the rape and murder of a doctor in Kolkata, West Bengal. In November 2024, the Supreme Court ordered a special investigation team to investigate the allegations of torture.[50] In some cases, the police openly use custodial violence as a form of extrajudicial punishment. For instance, in May 2024, People's Watch, a leading human rights non-governmental organisation (NGO), reported that police officers had broken the hands of four murder suspects in an effort to 'curb' crime. The police claimed that the individuals sustained their injuries after colliding with a centre median while being chased by the police. The NGO condemned this practice and urged the State Human Rights Commission (SHRC) to intervene, arguing that such abuse "has been normalised as a deterrent".[51]

A 2019 report by the Commonwealth Human Rights Initiative (CHRI), based on interviews with 475 prisoners in Haryana, found that nearly half (227) reported experiencing degrading and inhuman treatment or torture during police remand. This included sexual torture, electrocution, threats of rape, beatings with lathis, as well as methods – such as hanging upside down, water boarding, and beating the soles of the feet – which leave few visible marks to prove allegations of torture later.[52]

As explained above, there are no official records or other statistics recording all cases of torture in police and judicial custody in India, making it difficult to determine the full scale of the problem. However, in many instances, torture in police custody results in death, and such deaths are recorded in a significant number of cases. The alarming rates of custodial deaths illustrate the gravity and widespread nature of torture in custody.[53] Between April 2014 and December 2024, 1,538 deaths in police custody were reported to the NHRC, with 175 cases reported between 2021-2022, 166 in 2022-2023 and 158 in 2023-2024 – marking the highest numbers since 2014-2015, when 133 deaths were recorded.[54] While official statistics do not specify how many deaths are attributable to direct police violence or torture, a 2019 report by the National Campaign against Torture (NCAT) found that around 76% of custodial deaths it documented were caused by torture.[55]

48 The News Minute, AIIMS Confirms Tamir Jiffry Died Due to Custodial Torture by Kerala Police, 9 July 2024.

49 International Commission of Jurists, Punished for Protest: Violations Against Human Rights Defenders in Times of Covid-19, November 2022.

50 The Economic Times, RG Kar Protests: SC Orders SIT Probe into Custodial Torture Case, Weekly Reports before HC, 25 November 2024; NDTV, Top Court Orders Special Team Probe into RG Kar Protesters' Alleged Torture, 25 November 2024.

51 The New Indian Express, Tamil Nadu: Cops Allegedly Break Hands of Murder Accused to "Curb" Crime, 17 May 2024. State Human Rights Commissions (SHRCs) are independent bodies established under the Protection of Human Rights Act 1993, which also governs the NHRC. SHRCs have a similar function to the NHRC but they operate on a state level instead of a national level.

52 Commonwealth Human Rights Initiative (**CHRI**), Inside Haryana's Prisons, 2019, at p. 94-105.

53 OHCHR, The Minnesota Protocol On The Investigation Of Potentially Unlawful Death (**The Minnesota Protocol**), (2016) HR/PUB/17/4, para. 17.

54 These figures are based on the total number of cases registered by the NHRC under the classification "Custodial Death (Police) (Inc. Code 807)" for each April-March reporting year, as recorded in the following sources: Annual Report 2021-22; Annual Report 2019-20; Annual Report 2018-19; Annual Report 2017-2018; Annual Report 2016-2017; Annual Report 2015-2016; Annual Report 2014-2015; Annual Report 2013-2014; Monthly Statistics from April 2022 to December 2024.

55 CNN, Indian police use violence as a shortcut to justice. It's the poorest who bear the scars, 3 December 2020. See also National Campaign Against Torture, India: Annual Report on Torture 2019, 26 June 2020, p. 19.

In contrast, the NCRB only recorded 328 deaths in police custody between 2014 and 2022. While possible reasons for police custodial deaths listed in the statistics include "injuries sustained during the police custody due to physical assault by police", the reasons recorded for the majority of the cases include "injuries sustained prior to police custody", "mob attack/riots", "assault by other criminals", "suicide", "while escaping from police custody", "illness", and "natural deaths".[56] According to the NCRB's available data, none of these cases resulted in the conviction of an officer.[57] The above figures likely underestimate the full extent of deaths in police custody, as victims and their families often refrain from reporting due to fear of police retaliation (see 'Reprisals against complainants' section below).[58] The NCAT has described official figures on custodial deaths as likely representing a "gross underestimation".[59]

CASE STUDIES: CUSTODIAL TORTURE RESULTING IN DEATH

VIGNESH

On 18 April 2022, Vignesh, a man in his twenties, was arrested and detained by Chennai police during a late-night vehicle check. Along with another individual, Suresh, he was taken into custody and reportedly subjected to severe physical abuse. According to reports, the police beat him with batons and other objects during interrogation. Despite sustaining severe injuries, he was denied urgent medical care and died in custody on 19 April 2022. The police later attributed his death to a seizure. However, reports note that visible injuries on his body suggested custodial torture as the cause of death. Following his death, the police attempted to cover up the incident by hastily conducting his burial and pressuring his family to remain silent.[60]

MOHAMMAD ADIL

On 24 May 2024, Mohammad Adil, a 33-year-old carpenter from Channagiri, Davanagere District in Karnataka, was taken to the local police station for questioning in connection with a gambling case. According to the Superintendent of the Police, Adil collapsed within two minutes of questioning. The officers suspected a seizure, administered first aid, and transferred him to a local hospital, where he was declared dead.[61] However, Adil's family alleged that his death was the result of custodial torture by the police.[62] A fact-finding report published by the civil liberties group People's Union for Civil Liberties, Karnataka, cited Adil's

56 NCRB, this figure is found from the table 'Reasons of Custodial Deaths' from the Crime in India annual reports for 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, and 2022 (note that as of May 2025, there are no publicly available Crime in India annual reports for 2023 or 2024).

57 NCRB, Cases Registered against State Police Personnel for Human Rights Violation for the years 2017, 2018, 2019, 2020, 2021, and 2022 (note that the NCRB does not have publicly available data on convictions of police personnel for human rights violations for the years 2014, 2015, and 2016).

58 LiveLaw, Custodial Torture And Deaths: The Dark Side Of Indian Police, 17 July 2020. Common Cause and Centre for the Study of Developing Societies, Status of Policing in India Report 2019, 2019, pp. 14-15. For examples of a general pattern of police officers punishing victims for filing complaints and/or intimidating them into withdrawing complaints about police violence, see Banglar Manabadhikar Suraksha Mancha (MASUM), Monthly Report September 2024, p. 3; MASUM, Monthly Report June 2024, pp. 3–4; People's Watch, Brutal Torture in Thoothukudi Against the Auto Driver Habeeb, 24 February 2024. World Organisation against Torture (**OMCT**), India: The Family of a Torture Victim Is Punished and Silenced under Security Laws, 15 November 2023.

59 CNN, Indian police use violence as a shortcut to justice. It's the poorest who bear the scars, 3 December 2020.

60 Joint Action Against Custodial Torture – Tamil Nadu, Custodial Death of Mr. Vignesh G-5 Station, Chennai, 4 May 2022; People's Watch, A Death in Police Custody at Chennai – Vignesh, 24 February 2024.

61 The News Minute, Channagiri Custodial Death: CID Takes Over Probe After Violence Erupts, 27 May 2024; People's Union for Civil Liberties Karnataka, Custodial Death in Channagiri – A Fact Finding Report, 30 August 2024, pp. 7-8.

62 The News Minute, Channagiri Custodial Death: CID Takes Over Probe After Violence Erupts, 27 May 2024.

wife, who reported that he had no serious health issues prior to his arrest. She further stated that "many community members and family members witnessed the marks and injuries on Adil's body".[63] News of Adil's death sparked protests outside the police station, leading to the arrest of around 47 people.[64] On 25 May 2024, the Criminal Investigation Department, Bengaluru, took over the investigation into Adil's custodial death.[65] As of 20 January 2025, the investigation had still not been concluded, and nor had Adil's wife – Heena Banu – received any compensation from the State following the complaint filed by Adil's family with the Karnataka SHRC.[66]

During the COVID-19 pandemic, several cases of custodial deaths were reported as police enforced pandemic related lockdown restrictions.[67] In the first week of lockdown in March 2020, there were numerous reports of police brutality, including beatings and killings.[68]

CASE STUDIES: POLICE TORTURE DURING THE COVID-19 PANDEMIC

LAL SWAMI, P JEYARAJ, J BENIKS, HABEEB MOHAMMED, AND MURUGANANTHAM

On the first day of lockdown in March 2020, in West Bengal, a man named Lal Swami was allegedly beaten to death by the police after he went out to buy milk. His wife stated that he was among a crowd that the police attacked with batons.[69]

Another widely reported case is that of P Jeyaraj and his son J Beniks, who were arrested in Tamil Nadu for allegedly violating COVID-19 curfew laws. While in police custody, they were reportedly tortured to death. The police denied the allegations, claiming that the injuries sustained were partly down to the victims "rolling on the road".[70]

In a separate case, NGOs reported that a 33-year-old man, Habeeb Mohammed, was beaten so severely by the police that one of his kidneys was damaged, requiring dialysis.[71]

63 PUCL, Custodial Death in Channagiri – A Fact Finding Report, 30 August 2024, p. 2.
64 PUCL, Custodial Death in Channagiri – A Fact Finding Report, 30 August 2024, p. 2.
65 Article 14, Lack of Accountability for Muslim Carpenter's Death in Karnataka Police Custody Points to Endemic National Failures, 20 January 2025; The News Minute, 'Channagiri Custodial Death: CID Takes Over Probe After Violence Erupts', 27 May 2024.
66 Article 14, Lack of Accountability for Muslim Carpenter's Death in Karnataka Police Custody Points to Endemic National Failures, 20 January 2025.
67 From April 2019 to the end of March 2020, the NHRC recorded 114 instances of death in police custody, and 1586 instances of death in judicial custody. NHRC, Annual Report 2019-20, p. 249. From April 2021 to March 2022 this had increased significantly to 175 and 2367 instances respectively. NHRC, Annual Report 2021-22, p. 22.
68 National Campaign Against Torture, Police brutality & unwarranted deaths dent India's COVID-19 lockdown, 1 April 2020; see also Deutsche Welle, Indian police using violence to enforce lockdown, 28 March 2020.
69 India Today, Bengal man's family says he died of police beating, police say he had heart ailment, 26 March 2020; National Campaign Against Torture, Police brutality & unwarranted deaths dent India's COVID-19 lockdown, 1 April 2020.
70 Times of India, Thoothukudi Custodial Deaths: All you need to know, 30 June 2020.
71 Times of India, TN custodial deaths: More police torture cases surface, 27 June 2020.

Another man, Muruganantham from Peikulam village, was reportedly tortured and killed by local police in June 2020.[72]

Torture in Judicial Custody

> **"[C]ustodial violence and torture is so rampant in this country that it can be seen as embedded in the normal way of life".**
>
> – National Human Rights Commission, 2019.[73]

Torture in India is not confined to police custody; it has also been normalised in judicial custody, where detainees are transferred after their initial period in police remand.[74] While all detainees face risks of being subjected to torture and other ill-treatment, under-trial prisoners – those held while awaiting or undergoing trial[75] – are particularly vulnerable due to prolonged detention, systemic neglect, and discriminatory treatment.[76] Many under-trial prisoners remain in judicial custody for years due to a number of factors, "including backlogs in the court system, a dearth of legal representation, and the difficulty of the poor and disenfranchised to afford bail".[77] This contributes to prison overcrowding and exposes detainees to a heightened risk of torture and ill-treatment.[78] According to data published by the CHRI, in 2017, 149 prisons in India had overcrowding rates exceeding 100%, while 14 prisons had rates exceeding 300%.[79]

As of 2025, under-trials made up roughly 76% of all prisoners in India, according to civil society initiative, India Justice report.[80] This population is disproportionately composed of individuals from religious minorities and historically marginalised groups.[81] An analysis conducted by the NCAT using data from the NHRC, found that in over 70% of custodial death cases in India, the victims were from low-income and/or marginalised groups.[82]

72 Times of India, TN custodial deaths: More police torture cases surface, 27 June 2020.
73 NHRC, Annual Report 2018–19, p. 34.
74 Law Times Journal, What is difference between judicial custody and police custody?, 6 December 2020.
75 An under-trial prisoner is a person who has been committed to judicial custody pending investigation or trial. See NHRC, Rights of Prisoners, 2021. Also see Ministry of Home Affairs, Model Prison Manual 2016, 2016, p. 21. Individuals may only be detained at the police station for 15 days, after which they must be released or ordered into judicial custody by a magistrate up to 60 days or 90 days for investigation. See Bharatiya Nagarik Suraksha Sanhita 2023, s 187.
76 Chinar Garg and Sukhmani Singh, Voices from behind the bars: Narrative of Under Trial Prisoners in Indian Justice system, 2023; Deepak, Custodial Torture in India and Rights of Under-Trial Prisoners: A Reformative Approach, 2023; AI, Justice Under Trial: A Study of Pre-trial Detention in India (**Justice Under Trial**), 2017, p. 6.
77 Chinar Garg and Sukhmani Singh, Voices from behind the bars: Narrative of Under Trial Prisoners in Indian Justice system, 29 May 2023, p. 3.
78 Bureau of Police Research & Development, Overcrowding In Prisons, 23 January 2024. Also see AI, Justice Under Trial, 2017; Chinar Garg and Sukhmani Singh, Voices from behind the bars: Narrative of Under Trial Prisoners in Indian Justice system, 29 May 2023; Countercurrents, Indian Prison System: Rising Overcrowding and Awaiting Justice, 22 November 2024; DIGNITY – Danish Institute Against Torture, Prison Overcrowding: Fact Sheet, October 2022; Deepak, Custodial Torture in India and Rights of Under-Trial Prisoners: A Reformative Approach, 2023.
79 Raja Bagga, Crammed Cells Jam Indian Jails, [n.d.].
80 India Justice Report, Ranking States on the Capacity of Police, Judiciary, Prisons and Legal Aid, April 2025, p. 7; Supreme Court of India, Centre for Research & Planning, Report on Prisons in India: Mapping Prison Manuals and Measures for Reformation and Decongestion, October 2024, p. 132.
81 Devangana Kalita, Religion, Caste and Marginality: Reflections on the Indian Criminal Justice and Prison System, 19 September 2023; Shreehari Paliath, India's Prison Populations Reflect Systemic Marginalization, 26 October 2020.
82 Devangana Kalita, Religion, Caste and Marginality: Reflections on the Indian Criminal Justice and Prison System, 19 September 2023; The Hindu, Poor Account for 71% of Custodial Deaths in India, 4 December 2021.

Torture in India's prisons "remains endemic, institutionalised and central to the administration of justice".[83] Numerous documented cases reveal a pattern of torture perpetrated by authorities against detainees in judicial custody, often involving brutal beatings that result in death.[84] Prison authorities reportedly try to cover up such custodial deaths resulting from torture by attributing them to medical conditions or suicide. However, in many cases, these explanations are undermined by evidence that the victims were in good health at the time of their detention.[85] The prevalence of torture in judicial custody is illustrated by the disturbing number of deaths recorded. Between April 2014 and December 2024, the NHRC documented 20,158 deaths in judicial custody, with annual figures peaking at 2,367 between April 2021 and March 2022, 2,354 between April 2022 and March 2023, and 2,183 between April 2023 and March 2024.[86] The high rate of custodial deaths and systemic failures in prison healthcare[87] suggest that ill-treatment, medical neglect, and torture are key factors in determining the cause of these deaths.[88]

Several cases of poor detention conditions, lack of medical care, and ill-treatment leading to deaths in judicial custody illustrate common contexts in which custodial torture takes place.

CASE STUDY: TORTURE IN JUDICIAL CUSTODY

SHARVAN SONI

On 19 February 2024, a 45-year-old man named Sharvan Soni died after reportedly being beaten with iron rods and sticks by eight to ten prison officers during a fight with prison staff in Ajmer Central Jail in Rajasthan. According to his brother, Sharvan bore physical marks of the beatings, yet authorities took no action after Sharvan's son filed a report. His brother also stated that Sharvan faced discrimination due to his HIV-positive status, and was frequently coerced to pay bribes to receive his antiretroviral medication in custody. Sharvan's son reported that, in phone calls before his death, Sharvan said he was being "continually harassed, mentally and physically by the jail administration".[89]

As a case of custodial death, prison authorities were legally obligated to report the case to the NHRC within 24 hours, triggering follow-up by the NHRC through investigation or a magisterial inquiry. However, the NHRC acted because of media coverage on 20 February 2024, sending a notice to the prison directorate requesting a report on the circumstances of Soni's death within six weeks. To date, no information has reportedly been submitted to the NHRC, and the last hearing on the matter was held in May 2024. This case illustrates how the existing mechanisms for investigating custodial deaths are minimal and fail to adequately ensure justice and accountability for victims and their families.[90]

83 Asian Centre for Human Rights, India: The State of Refoulement, 2018, p. 329.
84 HRW, Getting Away With Torture in India, 20 August 2017.
85 HRW, Getting Away With Torture in India, 20 August 2017.
86 This figure was taken from the sum of Custodial Deaths (Judicial) column cells from the NHRC's annual reports between 2014 and 2022, in addition to monthly statistics between April 2022 and December 2024. See NHRC, Annual Report 2021-22; Annual Report 2019-20; Annual Report 2018-19; Annual Report 2017-2018; Annual Report 2016-2017; Annual Report 2015-2016; Annual Report 2014-2015; Annual Report 2013-2014.
87 See Avinash Krishna Goswami and Ritu Gautam, 'Medical health condition of prisoners and discrepancy in facilities among the states of Uttar Pradesh, Haryana and Delhi', 2022. Maitreyi Misra, The Thin Blue Line Between Care and Ethics of Care in an Indian Prison, 4 February 2025.
88 UN OHCHR, The Minnesota Protocol, 2016.
89 NHRC, Case No 228/20/1/2024-JCD, Action No 3, 14 May 2024.
90 NHRC, Case No 228/20/1/2024-JCD, Action No 3, 14 May 2024; see also Times of India, Jail staff tortured by brother because he was HIV+, says brother, 22 February 2024.

In a separate case heard by the Delhi High Court in September 2024, an individual named Manish Kumar Jha alleged that he was subjected to torture in Tihar Jail by prison officials who were attempting to extort money from him.[91] The Delhi High Court ordered the Jail Superintendent to conduct a preliminary inquiry into the allegations and transfer Manish Kumar Jha to a different prison "if anything remiss is found".[92] However, the Court made no reference to holding the responsible officers accountable for the alleged torture.[93]

CASE STUDIES: TORTURE IN JUDICIAL CUSTODY

IBRAHIM

On 7 February 2022, Ibrahim, a tempo driver, was detained by police in Sonbhadra District, Uttar Pradesh, on allegations of possessing 25 grams of heroin. The police allegedly demanded a bribe of 10,000 rupees (approximately USD 120) for his release and told his wife, Shahiba Bano, that he would be killed if the money was not paid. Ibrahim was remanded to judicial custody, and just five days later, Shahiba received a phone call informing her that Ibrahim had allegedly died by suicide in prison. However, when Ibrahim's body was returned for burial, Shahiba reported it "bore clear signs of severe beating, including bruises on his waist, legs, and neck".[94]

Custodial Sexual and Gender-Based Violence

Amongst the most common forms of violence perpetrated by Indian authorities in custodial settings is sexual abuse, particularly rape. Under international human rights law, rape is recognised as a form of gender-based violence that can amount to torture.[95]

Between 2014 and 2022, at least 557 instances of custodial rape were officially reported to the NCRB.[96] However, this number likely does not represent the full scale of the problem. Given the stigma associated with sexual violence, it is common for survivors not to come forward, due to fear of being socially ostracised or facing retaliation, among other issues.[97] Underreporting of sexual violence in India is particularly significant when such violations are committed by police officers,[98] with reports noting the refusal of authorities to register rape cases.[99]

91 Manish Kumar Jha v. State (Nct Of Delhi) W.P.(CRL) 2921/2024.
92 Manish Kumar Jha v. State (Nct Of Delhi) W.P.(CRL) 2921/2024, para. 9.
93 Manish Kumar Jha v. State (Nct Of Delhi) W.P.(CRL) 2921/2024.
94 Voices for Justice, For a Few Rupees: The Tragic Death of Ibrahim and the Global Fight Against Custodial Torture, 14 February 2025; Unbias the News!, Women struggle while men die in custody in India's Uttar Pradesh, 14 June 2023.
95 UNHRC, Report of the Special Rapporteur on violence against women, its causes and consequences, 19 April 2021, A/HRC/47/26; Committee against Torture (**CAT**), General Comment No. 2, 24 January 2008, CAT/C/GC/2; HRCttee, General Comment No. 28, 29 March 2000, CCPR/C/21/Rev.1/Add/10.
96 NCRB, this figure is found from the tables 'Incidence (I), Victims (V) & Rate (R) of Crimes Committed Against Women' or 'Crimes Against Women (Crime Head-wise & States/UT-wise)' or 'Cases Registered under Rape' (depending on the year) from the Crime in India annual reports for the years 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, and 2022. Reports for years after 2022 are not available. Statistics from the NHRC are not included here because the NHRC groups statistics for custodial death and custodial rape together in its annual reports, meaning that these statistics cannot be used to reflect the number of custodial rapes per year. Note that the total figure for custodial death/rape is referred to as the total figure for custodial deaths in certain places in the annual reports, suggesting that the figure reflects the total number of custodial deaths. However, it is unclear how the NHRC defines 'custodial death/rape', and whether this means that a victim both was subjected to rape and died, or if the total figure for 'custodial death/rape' also includes some victims who were raped but did not die. The NHRC's grouping together of custodial death and custodial rape in its reporting (and its failure to explain this methodological choice in its annual reports) presents an unfortunate barrier to understanding the real prevalence of custodial rape.
97 US Department of State, Country Reports on Human Rights Practices for 2023 (**Country Reports 2023**), 2023, p. 8.
98 US Department of State, Country Reports 2023, p. 8.
99 HRCttee, Concluding Observations 2024, para. 33; US Department of State, Country Reports 2023.

Reported cases of custodial rape are not isolated incidents; rather, the longstanding prevalence of custodial rape and the involvement of police officers across different parts of the country[100] indicate that these cases illustrate broader systemic issues.[101] While it continues to occur across the country, custodial rape is particularly prevalent in the state of Uttar Pradesh. Uttar Pradesh has around 16% of India's population, but in the past decade has accounted for approximately 65% of its reports of custodial rape.[102]

In 2020, the NCAT documented nine cases of custodial rape, including at train stations by Government Railway Police, during criminal investigations, and even in cases where victims were reporting rape.[103]

In July 2020, during the COVID-19 lockdown, a woman named Kavita brought a case before the Punjab-Haryana High Court, concerning the gang rape of her 17-year-old daughter and 20-year-old niece while in custody in Chandigarh.[104] They had been arrested due to alleged involvement in the killing of police officers. According to Kavita, her daughter endured torture, including rape by 10 to 12 officers and the insertion of glass bottles into her body, which caused serious injuries for which she was denied medical treatment. Despite initial complaints being dismissed, public outcry led Haryana police to initiate an investigation. Authorities denied the allegations, and as of January 2021, both women remained in judicial custody.[105] To date, to our knowledge, no prosecutions have been reported against the alleged perpetrators.

Cases in the past few years also illustrate similar trends, where women who are interacting with the justice system face rape and other forms of sexual violence, with impunity for perpetrators. For instance, in a case registered by the NHRC in 2021, a man named Prem Singh reported that his daughter was raped, tortured, and sexually abused in police custody by the Station House Officer. Prem Singh reported that the Station House Officer raped his daughter many times "and also inserted external objects in her private parts and manipulated the same with medical doctor, who submitted a false medical report".[106]

These incidents often reflect patterns of systemic and discriminatory violence, particularly against marginalised groups. As explained below in the 'Torture as a Tool for Discriminatory Oppression' section of the report, marginalised groups such as Dalits are disproportionately targeted with violence by the police and security forces, including torture and sexual violence. In early 2022, a 13-year-old Dalit girl was reportedly raped by a police officer in the Lalitpur District, Uttar Pradesh, after seeking the police officer's help in reporting that she had been gang-raped by four men. The incident "caused outrage in India with many accusing police of helping to perpetuate a

100 See NCRB, 'Incidence (I), Victims (V) & Rate (R) of Crimes Committed Against Women' or 'Crimes Against Women (Crime Head-wise & States/UT-wise)' or 'Cases Registered under Rape' tables (depending on the year) from the Crime in India annual reports for the years 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, and 2022. See also NHRC, Annual Report 2021-22; Annual Report 2019-20; Annual Report 2018-19; Annual Report 2017-2018; Annual Report 2016-2017; Annual Report 2015-2016; Annual Report 2014-2015; Annual Report 2013-2014; Annual Report 2012-2013. In addition to the evidence provided in this section of more recent cases of sexual violence in custody, REDRESS research has also found numerous older examples of custodial rape, gang-rape by police officers, sexual abuse of minors and young people in police custody, for example in the years 2015 and 2016.

101 One such systemic issue is a lack of adequate training for police officers. This issue was highlighted by the Committee on Empowerment of Women in the Indian Parliament, which submitted a report in December 2017 on Women in Detention and Access to Justice, in which it remarked on the prevalence of custodial rape in Uttar Pradesh, and called for proper training and better surveillance. See Parliament of India Lok Sabha, Committee on Empowerment of Women, Women in Detention and Access to Justice (Tenth Report, 2017).

102 Out of 577 instances of custodial rape between 2014-2022, 375 were reported in Uttar Pradesh, as recorded by the NCRB.

103 National Campaign Against Torture, India: Annual Report on Torture 2020, 18 March 2021, p. 73-78.

104 Kavita v. State of Haryana and Others CRM No.M-35684 of 2020 (O&M).

105 Chahat Rana, Why a Minor Who Accused the Haryana Police of Custodial Rape Is Still Held in State Custody, 15 January 2021.

106 NHRC, Annual Report 2021-22, p. 165.

systemic culture of sexual violence".[107] In June 2023, the NHRC received allegations of the gang-rape and killing of a 21-year-old Dalit woman in the Bikaner District in Rajasthan by three people, including two police officers.[108]

CASE STUDY: CUSTODIAL TORTURE, INCLUDING SEXUAL VIOLENCE

SURAJ CHANDOLA AND TANUJA CHANDOLA

On 11 August 2023, police officers reportedly entered the home of married couple Suraj and Tanuja Chandola in Nalagarh (Solan District, Himachal Pradesh) and damaged their property, taking items not connected with any investigation. Suraj and Tanuja were taken to Nalagarh police station in a private vehicle, whilst police officers were drinking alcohol and beating the couple. During their detention at the police station, Suraj and Tanuja were beaten daily, and not permitted to sleep for three consecutive nights. Suraj was unclothed in front of his wife and "abused". One of the police officers reportedly peed on Suraj's face. The same police officer also reportedly removed Tanuja's clothes and "touched her private parts" while under the influence of alcohol. In this case, the police officers took steps to cover their crimes, including conspiring to produce false medical reports and deleting some CCTV footage.[109]

CASE STUDY: RAPE OF THREE RELATIVES BY POLICE

DEVA PARDHI AND FAMILY

On 13 July 2024, 24-year-old Deva Pardhi was participating in pre-wedding *haldi* rituals when police officers interrupted the celebrations. Deva, a member of the highly marginalised Pardhi caste in the Guna District in Madhya Pradesh, was taken into custody along with his uncle, Gangaram Pardhi. They were first detained at the Jhagar police outpost (*chowki*), and shortly thereafter transferred to the deserted Myana police outpost, located about 40 kilometres away. There, "Deva and Gangaram were both tied up, hung from the ceiling, their faces covering tightly with black cloths and beaten up mercilessly. The police threw hot water on their faces while continuing to beat them [...]. [I]ron rods were inserted into their anuses and some liquid, which was suspected to be petrol, was also poured". Deva died on the same day, and Gangaram's limbs and head were severely injured.[110]

On the same day, whilst the family ran from the police during the celebration, one of Deva's relatives was reportedly raped by a policeman whom she knew and said had harassed her on many previous occasions.[111]

107 CNN, A 13-Year-Old Girl Told the Police She Had Been Gang-Raped. Then a Police Officer Allegedly Raped Her', 6 May 2022; see also The Tribune, Lalitpur gang-rape: Accused SHO sent to judicial custody; new staff posted in Pali police station, 6 May 2022.

108 NHRC, NHRC notice to the Government of Rajasthan over the reported involvement of two police personnel in the gang-rape and killing of a Dalit woman in Bikaner district, 27 June 2023; Times of India, NHRC notice to CS, DGP over gangrape, killing of Dalit woman, 28 June 2023.

109 Lakhbir Singh v. State of Himachal Pradesh CrMP(M) No.: 2987 of 2024, 3 January, 2025.

110 Sukanya Shantha, A Killing, Beatings, Maimings and Rape: The Extraordinary Torture of the Pardhi Community at the Hands of MP Police, 11 September 2024.

111 Sukanya Shantha, A Killing, Beatings, Maimings and Rape: The Extraordinary Torture of the Pardhi Community at the Hands of MP Police, 11 September 2024.

As explained below in the 'Torture in Specific Regions' section of the report, some regions in India are subject to a heavy presence of security forces, and thus systematically suffer from intensified violence, including sexual violence in both custodial and non-custodial contexts.

Extrajudicial Killings: Police Encounters

Extrajudicial killings represent another pattern of abuse commonly employed by Indian law enforcement and security forces. While not all extrajudicial killings involve torture, the UN Committee against Torture has repeatedly classified them amongst grave violations of UNCAT.[112] In India, these often occur in what the Government alleges to be contexts of countering crime, in violent encounters with the police.[113] These 'encounters' refer to the shooting of suspects without arrest, investigation or trial. Extrajudicial killings also happen in 'fake encounters' or staged 'encounters', described as "the practice of unlawfully taking into custody and extrajudicially executing an individual, then claiming that the victim died after initiating a shoot-out with the police".[114]

As with the use of torture in custody, the practice of extrajudicial killings has been widespread in India. From April 2014 to December 2024, the NHRC recorded 1,575 complaints of '[police] encounter deaths'.[115] From March 2024 to December 2024, the NHRC registered 90 alleged extrajudicial killings.[116] Data from the NCRB further highlights the excessive use of force in law enforcement between 2014 and 2022[117] with 387 deaths[118] and 3,017 civilian injuries[119] attributed to police encounters, the use of firearms, and lathis.

Extrajudicial killings in police encounters have also been perceived by many in law enforcement as an acceptable measure of crime-control. For instance, a 2019 survey revealed that one in five police personnel expressed that they believe killing "dangerous criminals" is preferable to pursuing legal trials.[120] Police officers involved in extrajudicial killings are often glamourised and publicly awarded,[121] with the most prolific referred to as 'encounter specialists'.[122] One such officer, Daya Nayak, head of the Mumbai Crime Branch, has allegedly killed over 87 people.[123] In 2018, journalists were even "invited" to witness a live encounter, during which police officers killed two men allegedly armed and hiding in a derelict building.[124]

112 Jana Martinkova, The Committee Against Torture's Approach to Extrajudicial Killing, 7 August 2018.
113 Manoj Joshi, Encounter Killings of 10 Kuki-Zo Men in Manipur Shows BJP Government in Poor Light, December 2024.
114 HRW, Broken System: Dysfunction, Abuse, and Impunity in the Indian Police, 4 August 2009; Justin Rowlatt, Why India's 'fake encounters' are shockingly common, 13 April 2015; JKCCS, Disappearance & killing of 3 Rajouri youth in alleged 'fake encounter' continuation of unaccountable nature of state violence in Kashmir: JKCCS and APDP, 12 August 2020.
115 This figure was taken from the sum of Encounter Deaths column cells from the NHRC's annual reports between 2014 and 2022, in addition to monthly statistics between April 2022 and December 2024. See NHRC, Annual Report 2021-22; Annual Report 2019-20; Annual Report 2018-19; Annual Report 2017-2018; Annual Report 2016-2017; Annual Report 2015-2016; Annual Report 2014-2015; Annual Report 2013-2014. A police encounter is a term used to describe police shootings. Police encounters are staged in many instances. See for example BBC, India's police killings: The story behind a crime crackdown, 5 October 2017.
116 HRW, Submission to UN Human Rights Committee Review of India, June 2024; see also NHRC, Human Rights Cases Statistics, 6 May 2024.
117 The period 2014 to 2022 is mentioned here because the NCRB does not currently have data available for after 2022.
118 NCRB, 'Civilians Killed during Police Operations' table from the Crime in India annual reports for the years 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, and 2022.
119 NCRB, 'Civilians Killed during Police Operations' table from the Crime in India annual reports for the years 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, and 2022.
120 Common Cause, Status Of Policing In India Report 2019, p. 131.
121 The 420, Meet Daljit Singh Chawdhary, IPS: The 'Encounter Specialist' Now Securing India's Borders, August 2024, p.4.
122 Hindustan Times, 5 encounter specialists of Mumbai Police you must know | Mumbai news – Hindustan Times, 12 January 2016.
123 Patrika, 'Who is Daya Nayak, the Encounter Specialist on the Baba Siddique Case? | Latest News | Patrika News', 13 October 2024.
124 Youth for Human Rights Documentation, Extinguishing Law & Life, October 2021, p. 27.

Police encounters are particularly prevalent in certain regions of India, notably in Uttar Pradesh. Between 2017 and 2021, more than 8,472 such incidents were reported in the state. During these encounters, police reportedly shot and injured at least 3,302 individuals allegedly involved in criminal activity, resulting in 146 deaths. These actions formed part of an unofficial crackdown on crime referred to as 'Operation Langda'.[125] Yogi Adityanath, who became Chief Minister of Uttar Pradesh in March 2017, has been reported to encourage a culture of police encounters as part of his administration's "law and order" agenda. His remarks, such as "if you commit a crime, you will be knocked off",[126] have been widely criticised.[127]

In 2019, four UN Special Rapporteurs condemned the practice of encounter killings in Uttar Pradesh, expressing "concern over statements issued by high ranking state Government and police officials seeming to incite, justify or sanction killings".[128] CSOs also reported that an official Government letter was sent to all district magistrates that year, listing the number of killings and injuries as achievements of the state Government.[129] In a 2021 report, CSOs criticised the investigation procedures into encounter killings in Uttar Pradesh, highlighting 17 cases of alleged extrajudicial killings. Despite a complaint to the NHRC, no police officers were held accountable.[130]

Another state where police encounter deaths are prevalent is Assam.[131] Reports indicate a rise in encounter killings in 2017, when Himanta Biswa Sarma was a Minister,[132] and a further spike after he became Chief Minister in 2021.[133] That year, Sarma publicly stated that those who flee custody should be shot in the legs.[134] On 22 October 2024, the Supreme Court took note of the increase in encounter killings in Assam since May 2021, "describing the issue as 'very serious'".[135]

CASE STUDIES: KILLINGS IN SUPPOSED ESCAPE ATTEMPTS

MOHAMMAD AREEF, JOLLU SHIVA, JOLLU NAVEEN, AND CHINTAKUNTA CHENNAKESHAVULU

In 2019, in Telangana, the police killed four young men – Mohammad Areef, Jollu Shiva, Jollu Naveen, and Chintakunta Chennakeshavulu – who were suspects in a rape and murder case. The killings took place at the site of the alleged crime, with police claiming the suspects had attempted to escape.[136] However, a Supreme Court-appointed Commission of Inquiry later found that the killings were extra-judicial killings and referred the case to the state court for trial on murder charges.[137] On 3 May 2024, the Court issued interim orders preventing further penal action against the police officers involved, a decision now being challenged by the victims' families.[138]

125 The term 'Langda' refers to a person who is limping; Avaneesh Mishra, Operation Langda: In UP encounters, 3,300 'criminals' shot at, 13 August 2021.
126 New Indian Express, Why Yogi is the 'encounter man' in UP?, 22 July 2019.
127 National Herald India, Yogi's encounter policy boosts UP's trigger-happy cops, 9 October 2019.
128 OHCHR, India: UN experts alarmed by alleged police killings in Uttar Pradesh, 11 January 2019.
129 Youth for Human Rights Documentation, Extinguishing Law & Life, October 2021, p. 26.
130 Youth for Human Rights Documentation, Extinguishing Law & Life, October 2021, pp. 18-19.
131 Hindustan Times, Horns of a Dilemma: In their attempt to show results in the fight to save the one-horned rhinoceros, Kaziranga's forest officials might be killing innocent villagers', [n.d].
132 Frontline, Assam under the scanner after rise in cases of encounter deaths since 2017 – Frontline, 4 May 2023.
133 Article 14, Shootings of Cattle-Smugglers, Drug Peddlars, Suspected Insurgents: Inside The 20-Fold Surge In Assam's Encounter Killings, 5 April 2024.
134 Frontline, Assam under the scanner after rise in cases of encounter deaths since 2017 – Frontline, 4 May 2023.
135 New Indian Express, ''171 Incidents are alarming': SC to Assam on police encounters, seeks details', 22 October 2024.
136 India Today, All 4 accused in Hyderabad veterinarian's rape and murder case shot dead in police chase', 6 December 2019.
137 The Hindu, Supreme Court panel indicts Telangana Police for killings in 2019, 21 May 2022.
138 Hindustan Times, Telangana encounter killings: Victims' families to challenge suspension of panel report, 3 May 2024.

VIKAS DUBEY

In a separate case, Vikas Dubey, a suspected gang leader, was shot and killed by the police in 2020 after surrendering to police custody. The police claimed he attempted to escape, alleging that he had stolen a police officer's gun and fired at police officers. However, this version of events was widely questioned by commentators on social media and in the press, who asked "why a suspect who reportedly surrendered to police would then attempt to escape, and how he would be able to take an officer's gun".[139] Notably, on the day of his killing, Vikas Dubey had petitioned the Supreme Court for protection from an alleged police 'encounter'.[140]

AKSHAY SHINDE

In August 2024, Akshay Shinde, a school attendant in Badlapur in the state of Maharashtra, was arrested for reportedly sexually assaulting two minor girls on school premises. On 23 September 2024, while being transported in a police van between a prison and a police station, Akshay was killed. The police claimed that he had seized a gun from one of the officers and fired it, prompting the police to shoot him in self-defence. Following a criminal writ petition filed by Akshay's father that month, the Bombay High Court questioned the necessity of using lethal force, especially given that five officers were present in the van and that Akshay was not physically imposing.[141] In January 2025, a Magistrate Inquiry Report submitted to the Court concluded that the police officers' use of force was not justified.[142] The report noted that Akshay's fingerprints were not found on the gun he was alleged to have snatched.[143]

139 BBC, Vikas Dubey: India police murder suspect shot dead after arrest, 10 July 2020; India Today, 'Was Vikas Dubey killed in fake encounter, why were media vehicles stopped: Death raises several questions', 10 July 2020.

140 Youth for Human Rights Documentation, Extinguishing Law & Life, October 2021, p. 26.

141 Sabrang India, Bombay High Court directs filing of a First Information Report (FIR) against the 5 cops held responsible for death of accused in Badlapur Sexual Assault case, 22 January 2025.

142 The Hindu, Badlapur sexual assault case: Inquiry concludes five cops responsible for accused's death in custody, 20 January 2025.

143 Sabrang India, Bombay High Court directs filing of a First Information Report (FIR) against the 5 cops held responsible for death of accused in Badlapur Sexual Assault case, 22 January 2025.

AFFECTED GROUPS AND CONTEXTS OF TORTURE



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Police in riot gear stand guard in front of the Red Fort in Delhi after a clash between police and farmers protesting against the farming legislation in 2021. India's massive farmer protests sparked police brutality claims.

Torture in India occurs across various contexts and affects diverse groups. This section examines its widespread use as a tool to silence dissent, persecute human rights defenders, activists, and journalists, and oppress religious minorities and other marginalised communities. It also explores how torture and other abuses manifest with particular intensity in some regions of India, either because they are designated by the State as 'disturbed areas' or due to a specific local and political context.

Torture Against Dissenters

Since the ascent of the Bharatiya Janata Party (BJP) under Prime Minister Narendra Modi in 2014, India has suffered a serious deterioration in its human rights record and a rapidly closing civic space.[144] Although attempts to stifle Indian civil society have long been seen in India under different Governments, the attacks on freedom of expression and human rights defenders have significantly increased under the BJP, which has been committed to promoting a brand of Hindu nationalism (Hindutva) while silencing any dissenting voices.[145]

Between 2014 and 2024, India has slipped 19 places in the Reporters Without Borders World Press Freedom Index, from 140 to 159, just three places above Russia.[146] In 2024, India was downgraded by Freedom House to being only "Partly Free" due to the harassment of journalists, NGOs, and other critics of Government policy.[147] In a clear example of restrictions on freedom of expression, in January 2023, the Government banned a BBC documentary examining the anti-Muslim Gujarat riots in 2002,[148] which was followed by raids on BBC offices.[149] Using emergency powers under the country's Information Technology Rules, authorities directed platforms such as Twitter and YouTube to remove links to the documentary.[150]

Indeed, online censorship of civil society has become tighter since the BJP took office. Social media platforms have generally accepted the Government's requests to censor online voices.[151] In 2022 alone, India shut down the internet 84 times, more than any other country.[152]

Additionally, an international investigative journalism initiative, the Pegasus Project, uncovered the unlawful surveillance of Indian citizens through the Government's alleged use of Pegasus spyware between 2017 and 2023, raising concerns among UN bodies.[153] The investigation revealed that at least 300 phone numbers belonging to human rights defenders, journalists, lawyers, and opposition politicians were affected.[154]

NGOs and other CSOs have also been targeted. The Foreign Contribution Regulation Act (FCRA), an Emergency-era piece of legislation, was further amended in 2020 after the already troublesome 2010 amendments, allowing the Indian Government to revoke or suspend licences of NGOs.[155] For instance, in 2016, the Ministry of Home Affairs rejected a licence renewal of the NGO People's Watch.[156] In a lawsuit by People's Watch before the Delhi High Court challenging this decision, the Home Affairs Ministry argued that the group used foreign funding to share information with UN Special Rapporteurs, "portraying India's human rights record in negative light…to the detri-

144 Citizens for Justice and Peace, Civil Society under Siege in India, 12 January 2024.
145 Foreign Affairs, The Unstoppable Rise of Hindu Nationalism | Foreign Affairs, 13 April 2022; also see CIVICUS, India: Alarming Assault on Civic Freedoms in Prime Minister Modi's Second Term, 17 April 2024.
146 Reporters without Borders, India Factfile, [n.d].
147 Freedom House, India: Freedom in the World 2024 Country Report, 2024; also see V-Dem Institute, Autocratization Turns Viral: Democracy Report 2021, March 2021, p. 20.
148 HRW, India: Increased Abuses Against Minorities, Critics (**Abuses against Minorities**)', 11 January 2024; HRW, India's Blocking of BBC Documentary Reflects Broader Crackdown, 23 January 2023.
149 George Wright, BBC India offices searched by income tax officials, 14 February 2023.
150 HRW, Abuses Against Minorities, 11 January 2024; HRW, India's Blocking of BBC Documentary Reflects Broader Crackdown, 23 January 2023.
151 The Washington Post, How India tamed Twitter and set a global standard for online censorship, 2023.
152 Access Now, Five years in a row: India is 2022's biggest internet shutdowns offender, 28 February 2023.
153 AI, India 2021, 2021; HRCttee, Concluding Observations 2024, para. 43.
154 AI, India 2021, 2021; HRCttee, Concluding Observations 2024, para. 43.
155 First Post, CBI crackdown on NGOs over foreign donations: How the FCRA passed by Indira Gandhi has been amended over the years,11 May 2022.
156 OMCT, India: Government should stop harassing human rights groups, 18 January 2021.

ment of India's image".[157] In April 2022, the licence of the CHRI, another leading human rights organisation that documents custodial torture and other human rights violations, was also cancelled.[158] Around the same time, the Government revoked the licences of 10 international NGOs working on environmental issues, climate change, and child labour.[159] Additionally, over 80 philanthropic and human rights organisations were placed in a "Prior Reference Category", requiring them to obtain approval from the Home Affairs Ministry for any foreign funding they receive.[160]

The targeting of human rights defenders, political activists, and journalists

Amid the shrinking of civic space, human rights defenders, political activists, lawyers, and other members of civil society face a risk of torture and other human rights violations. State authorities frequently resort to arbitrary arrests, prolonged pre-trial detention, torture and ill-treatment, and other forms of violence against these groups.[161] The use of "draconian counterterrorism and national security laws to prosecute and harass human rights activists, journalists, students, Government critics, and peaceful protesters" has been well-documented by NGOs[162] and has raised concerns at the HRCttee. Specifically, in its 2024 Concluding Observations, the HRCttee highlighted the following issues associated with counter-terrorism legislation:

a) extensive powers to use lethal force;
b) preventive detention without charge or judicial review during exceptionally long periods;
c) extensive power granted to executive bodies under broadly and vaguely defined terms, including designating individuals responsible for acts that are "likely to threaten" or "likely to strike terror in people", which could infringe the presumption of innocence and be misused against dissidents and activists.[163]

An emblematic case of the persecution of human rights defenders in India is that of Father Stan Swamy, an 84 year old Jesuit priest, human rights defender, and long-time advocate for the rights of vulnerable groups like Dalits and Adivasis. He was arrested on 8 October 2020 by the National Investigation Agency on alleged terrorism charges.[164] While detained in the overcrowded Taloja Central Jail, he suffered ill-treatment and was denied medical care and bail for nine months, despite his rapidly deteriorating health. He ultimately died in custody on 5 July 2021. The UN Special Rapporteur on Human Rights Defenders, who had raised concerns with the Indian Government regarding Father Swamy's detention months before his death, issued a statement noting that Father Swamy's death "will forever remain a stain on India's human rights record".[165]

Another case that demonstrates the use of arbitrary arrests, torture, and prolonged pre-trial detention against activists is that of British human rights defender and blogger Jagtar Singh Johal.[166]

157 OMCT, India: Government should stop harassing human rights groups, 18 January 2021.
158 Hindustan Times, Commonwealth Human Rights Initiative's licence for foreign funds cancelled, 26 April 2022.
159 The Hindu, Govt. curbs funding for 10 climate change, child labour NGOs, 14 September 2021.
160 The Hindu, Govt. curbs funding for 10 climate change, child labour NGOs, 14 September 2021.
161 OMCT, India: Ongoing targeting of 18 human rights defenders under anti-terror laws, 26 January 2022; HRW, India: Arrests, Raids Target Critics of Government Counterterrorism, 13 October 2023.
162 HRW, India: Serious Concerns Raised at UN Rights Review, 18 November 2022.
163 HRCttee, Concluding Observations 2024, 25 July 2024, para. 27.
164 Human Rights Defenders Memorial, Statement on the death of human rights defender Father Stan Swamy, 6 July 2021.
165 UN News, Death in custody of activist priest, a stain on India's rights record: UN expert, 15 July 2021.
166 UN Working Group on Arbitrary Detention (**WGAD**), Opinion No. 88/2020 concerning Christian James Michael (United Arab Emirates and India), 4 March 2021, A/HRC/WGAD/2020/88.

CASE STUDY: TARGETING OF HUMAN RIGHTS DEFENDERS

JAGTAR SINGH JOHAL

Jagtar Singh Johal is a British national arbitrarily detained in India since 2017, on political charges carrying the death penalty, based on a confession extracted under torture. Jagtar is a Sikh faith activist and blogger who has been critical of human rights violations committed by the Indian Government against Sikhs.[167]

In October 2017, he travelled to India to get married. Three weeks after his wedding, he was unlawfully abducted off the street in the city of Jalandhar, in Punjab, by plain clothes police officers who did not identify themselves or present a warrant for Jagtar's arrest. On 5 November 2017, Jagtar was put in police custody. For 10 days he was held incommunicado in an undisclosed location with no access to a lawyer, his family, or a representative of the British High Commission. Jagtar was tortured into giving a false "confession" that has been used by authorities in several cases against him.[168]

The 2018 charge sheets in the criminal cases against him include reference to alleged offences including conspiracy to commit murder, terrorism activities, and use of arms. The inclusion of references to "terrorism" is very concerning because, as set out in this report, there is an increased risk of torture in India in cases where allegations of terrorism are included. In addition, Indian law provides for the death penalty for certain terrorism offences, and such death sentences have been carried out in recent years.

In May 2022, the main international authority on unlawful deprivation of liberty, the UN Working Group on Arbitrary Detention (WGAD), found Jagtar's detention to be arbitrary under international law, noting it lacks any legal basis and that his fair trial rights have been gravely violated.[169]

In August 2022, following the publication of a report by the Investigatory Powers Commissioner's Office, the UK's intelligence watchdog, it was revealed that the British intelligence agencies, MI5 and MI6, may have contributed to Jagtar's detention and torture by sharing intelligence with the Indian authorities.[170] A legal claim filed by Jagtar's legal team at Leigh Day, with Reprieve's and REDRESS' support, is pending before UK courts.[171]

In September 2024, Delhi's High Court denied Jagtar bail despite acknowledging that his trials have been severely delayed.[172] In March 2025, Jagtar was cleared of all charges in one of the criminal cases against him, after a court found that the prosecution had failed to provide credible evidence linking him to a terrorist conspiracy. Despite his acquittal in this case, Jagtar remains in detention, and still faces eight additional cases filed by India's National Investigation Agency, all based on the same "confession" that was extracted under torture.

Despite multiple calls for him to be immediately released, including by UN authorities, over 7 years since his arrest and torture, Jagtar remains arbitrarily detained.

167 REDRESS, Jagtar Singh Johal; Reprieve, Jagtar Singh Johal.
168 REDRESS and Reprieve, Jagtar Singh Johal: Arbitrarily Detained British Blogger Facing Death Penalty, 2023.
169 WGAD, Opinion No. 80/2021 concerning Jagtar Singh Johal (India), 4 May 2022, A/HRC/WGAD/2021/80, para. 119.
170 BBC News, Jagtar Sing Johal case: UK spy agencies accused of tip-off that led to torture, 22 August 2022.
171 REDRESS, Jagtar Singh Johal.
172 The Guardian, British activist denied bail after years in Indian jail without trial, 19 September 2024.

The widespread violence to silence dissent in India has been condemned by the HRCttee, which in 2024 noted the killing of more than 60 activists, whistle-blowers, human rights defenders, and journalists reporting against corruption since 2018, and reports of online or physical attacks and harassment.[173] The HRCttee also expressed concern about:

> The killing of 59 journalists since 2006, as well as […] allegations that human rights defenders have been barred from travelling outside India and engaging with United Nations bodies, such as in the case of Khurram Parvez, a Kashmiri human rights defender who was prevented from travelling to Geneva to attend the Human Rights Council and has been arbitrarily detained since 2021.[174]

Also in February 2021, the NHRC received an urgent appeal by Human Rights Defenders Alert-India and three leading human rights organisations regarding the abduction, arbitrary detention, and torture of Shiv Kumar, a labour rights activist and president of Mazdoor Adhikar Sangathan, an organisation advocating against exploitative and discriminatory practices.[175] His arrest followed that of his colleague and Dalit labour rights activist, Nodeep Kaur, in January 2021, who was also beaten by police. While in detention, Kumar was reportedly subjected to physical and mental torture by members of the CIA in Sonipat and the police at the Kundli police station, Sonipat, Haryana. Despite at least five medical examinations finding no evidence of abuse, a later medical examination revealed that he had been beaten on the soles of his feet, had hot water poured on them, suffered fractures in both feet and hands, and was deprived of sleep.[176] The Punjab and Haryana High Court ultimately confirmed that Kumar had been tortured, stating that Government doctors had "apparently danced to the tune of police officials".[177]

The use of counter-terrorism legislation by Indian authorities to suppress political and human rights activism is also exemplified by the case of the 16 activists known as the BK-16.[178] These activists, who were known for advocating for the rights of marginalised groups such as Dalits and Adivasis, were arrested at various times between June 2018 and October 2020 and charged under the Unlawful Activities (Prevention) Act (UAPA) for "waging war against the government of India", among other charges.[179] Father Stan Swamy – who was among these 16 activists and whose case is mentioned above – died in custody, while others were granted bail, and many remain imprisoned under this repressive law.[180]

Concerns have also grown about the Indian Government allegedly targeting activists beyond its borders. In its 2024 examination of India, the HRCttee expressed concern about the "transnational repression of political opponents and human rights defenders".[181] This has been highlighted by the recent killings of Sikh separatist leader Nikhil Gupta in New York in the United States, and Sikh activist Hardeep Singh Nijjar in British Columbia, Canada, where possible Indian Government involvement has been raised.[182]

173 HRCttee, Concluding Observations 2024, 25 July 2024, para. 11.
174 HRCttee, Concluding Observations 2024, 25 July 2024, para. 11.
175 CHRI, Urgent Appeal for Action – Haryana: Abduction, illegal detention, arbitrary arrest and custodial torture of HRD Mr. Shiv Kumar in Sonipat by Haryana Police (**Urgent Appeal – Haryana**), 27 February 2021.
176 CHRI, Urgent Appeal – Haryana, 27 February 2021.
177 The Print, Haryana cops tortured labour activist Shiv Kumar, doctors did not perform duty, says probe report, 23 December 2022.
178 Outlook India, The Bhima Koregaon 16: Which Activists Were Imprisoned For 'Waging War Against Government Of India? (**The Bhima Koregaon 16**), 18 January 2024.
179 AI, Act now to demand the release of the BK16, 12 December 2022.
180 Outlook India, The Bhima Koregaon 16.
181 HRCttee, Concluding Observations 2024, 25 July 2024, para. 51.
182 Time, Why India Is Targeting Sikhs At Home and Around the World, 5 December 2023; US Justice Department, Office of Public Affairs | Justice Department Announces Charges in Connection with Foiled Plot to Assassinate U.S. Citizen in New York City | United States Department of Justice, 29 November 2023; Associated Press, Hardeep Singh Nijjar: Who was the Sikh activist whose killing has divided Canada and India? | AP News, 20 September 2023. See also Associated Press, Australian foreign minister raises allegations of India targeting Sikhs in Canada, 5 November 2024.

Attacks on journalists have also been on the rise in India, with news publications having branded India as "one of the most dangerous countries for journalists".[183] Media outlets often face raids and arrests, with both the BBC's New Delhi and Mumbai offices having been raided in February 2023,[184] and the NewsClick office and homes of NewsClick journalists having been raided in the same year.[185] In 2024, 226 journalists were targeted, and 194 were targeted in the previous year.[186] According to the Committee to Protect Journalists, 11 journalists were killed in the past five years.[187]

The use of counter-terrorism UAPA legislation against journalists has also been documented. In 2022, it was reported that six out of seven jailed journalists were being investigated or charged under the UAPA, a record high.[188] Three out of these seven journalists had been in jail for over a year. One of the seven, Aasif Sultan, received bail following his initial arrest under the UAPA, but was soon rearrested under the Jammu and Kashmir Public Safety Act under which individuals can be detained for up to two years without formal charge or trial, and with restricted ability to apply for bail or access legal representation.[189]

CASE STUDY: TARGETING OF JOURNALISTS

SIDDIQUE KAPPAN

Siddique Kappan is a journalist and human rights defender who reports on human rights violations faced by religious and caste minorities in India. On 5 October 2020, he was on his way to investigate the gang-rape and murder of a 19-year-old Dalit woman in Hathras, when he was arrested by the police in Uttar Pradesh along with three other individuals.[190] Indian authorities alleged Siddique had links with the Popular Front of India and reportedly subjected him to severe beatings. While in detention, he was denied access to proper medical treatment and fell ill with COVID-19.[191] Siddique Kappan was charged with serious offences under the Indian Penal Code, the UAPA, and the Prevention of Money Laundering Act.[192] Despite being granted bail in September 2022, Siddique remained incarcerated until February 2023.

Mohammad Zubair's case also exemplifies a growing use of arbitrary arrests to silence dissent.[193] A journalist and co-founder of Alt News, Zubair was arrested on 27 June 2022 over a 2018 tweet that authorities claimed was offensive to religious sentiments. His detention came amid Alt News' reporting on hate speech and misinformation, particularly against religious minorities. Following his arrest, multiple cases were filed against him across different states. He was charged under various laws, including the Indian Penal Code and foreign funding regulations, in what was widely seen as an attempt to suppress independent journalism. After nearly a month in custody, facing legal harassment and politically motivated accusations, the Supreme Court of India granted him bail on 20 July 2022, dismissing the charges as excessive.[194]

183 The Nation, Modi's India Is "One of the Most Dangerous Countries for Journalists" | The Nation, 8 November 2021.
184 AP News, Indian authorities accuse BBC of tax evasion after searches, 17 February 2023.
185 Associated Press, NewsClick: Indian police arrest editor and administrator of independent news site | AP News, 5 October 2023.
186 India Freedom of Expression Initiative, Shadow Report to India's Fourth Periodic Report to the UN Human Rights Committee, [n.d]; HRCttee, Concluding Observations 2024, 25 July 2024, para. 51.
187 Committee to Protect Journalists, Journalists Attacked in India between 2020 and 2025, [n.d].
188 The Wire, Number of Jailed Journalists at New Global Record, Seven Behind Bars in India, 14 December 2022.
189 The Wire, Number of Jailed Journalists at New Global Record, Seven Behind Bars in India, 14 December 2022; The Wire, Misuse of PSA': Press Bodies Condemn Re-Arrest of Kashmiri Journalist Aasif Sultan, 13 April 2022.
190 The Wire, 'Will Continue My Fight': Siddique Kappan Walks Out of Jail After Over Two Years, 2 February 2023.
191 The Wire, Siddique Kappan says Police 'Tortured' Him to Admit Links to Terrorist Groups, 4 February 2023.
192 Frontline Defenders, Human rights defender and Journalist Siddique Kappan released from jail after two years, 7 February 2023.
193 OMCT, India: Arbitrary detention of journalist and rights defender Mohammad Zubair, 12 July 2022.
194 Frontline Defenders, Human Rights Defender Mohammed Zubair released on bail, 20 July 2022.

Similar violations have also been documented against journalists reporting from Jammu and Kashmir. For instance, Sajad Gul, a reporter and human rights defender, was arrested in January 2022 for posting a video of a family protesting the killing of a relative during a gunfight in Srinagar. Although granted bail that same month, he was immediately rearrested under the Jammu and Kashmir Public Safety Act and was not released until 8 July 2024, after over two years in detention.[195] In another case, Fahad Shah, owner and editor of the independent news outlet Kashmir Walla, was arrested in February 2022 and spent over 600 days in detention.[196] Despite being granted bail and seeing the charges against him gradually quashed, Shah remained imprisoned until December 2023.[197] During his detention, he was subject to at least 20 days of solitary confinement.[198]

Torture in protests

Indian authorities have also silenced dissent in violent crackdowns, where police have engaged in beatings using lathis,[199] firearms,[200] shotgun pellets,[201] tear gas canisters,[202] and other less-lethal weapons and forms of violence to control or disperse protests across the country.

The Indian Criminal Procedure Code (CrPC) – now the Bharatiya Nagarik Suraksha Sanhita (BNSS) – has contributed to enabling such systematic excessive violence through vague language that effectively allows the abuse of force to control crowds and disperse protests. For example, Section 148 of the 2023 BNSS allows police, on the approval of a magistrate or officer in charge of a police station, to use force against those in an unlawful assembly of five or more people who are "likely to cause a disturbance to the public peace", if a verbal warning to disperse is not complied with.[203] The BNSS however fails to specify the kinds of unlawful assemblies which could potentially be dispersed re-sorting to force. It also lacks clarity on what constitutes an acceptable use of force to disperse "unlawful assemblies", including as it relates to proportionality, necessity, and the ban on lethal force set by international law and standards.

International human rights standards strictly regulate the use of force in the context of protests. The HRCtte General Comment 37 on the right to peaceful assembly makes clear that law enforcement must not use greater force than is proportionate to legitimate objectives, such as dispersing an assembly or preventing a crime.[204] Likewise, the UN Code of Conduct for Law Enforcement Officials states that force should only be used when "strictly necessary" and "to the extent required for the performance of their duty", and never in a way that is disproportionate.[205] The UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials further caution that the use of less-lethal weapons must be carefully controlled to minimise harm to uninvolved persons.[206]

195 Front Line Defenders, Human Rights Defender and Journalist Sajad Gul released on bail, 15 October 2024; The Wire, Number of Jailed Journalists at New Global Record, Seven Behind Bars in India, 14 December 2022.
196 Al Jazeera, Kashmiri journalist Fahad Shah walks out of jail after 600 days, 23 November 2023; The Wire, Number of Jailed Journalists at New Global Record, Seven Behind Bars in India, 14 December 2022.
197 The Guardian, 'Jail crushes you slowly': Kashmiri journalist reflects on prison ordeal, 5 December 2023.
198 The Guardian, 'Jail crushes you slowly': Kashmiri journalist reflects on prison ordeal, 5 December 2023.
199 The Wire, The Misuse of 'Lathi Charge' by the Indian Police, 18 May 2018.
200 People's Watch, The Summer that Shook Thoothukudi: The Anti-Sterlite Demonstrations and Police Firings, 2018.
201 Aljazeera, UN chief asks India to end use of pellet guns on Kashmir children, 30 June 2021.
202 Reuters, Indian police fire teargas at hundreds protesting over Kolkata doctor's rape, murder, 27 August 2024.
203 Government of India, Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, s148, p. 45. This was s 129 of the Criminal Procedure Code (CrCP), 1973.
204 HRCttee, General Comment No. 37, 17 September 2020, CCPR/C/GC/37, para. 79; OHCHR, Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, 7 September 1990, Principles 3 and 5(b).
205 UN General Assembly, Code of Conduct for Law Enforcement Officials, General Assembly Res. 34/169 of 17 December 1979 (**UN Code of Conduct**).
206 UN Basic Principles, Principles 3 and 5(b).

As demonstrated in this section, Indian authorities often disregard these international standards in the policing of protests. A striking example occurred in 2024 following nationwide demonstrations over the rape and murder of a female doctor at a hospital in Calcutta.[207] In response, Kolkata police and West Bengal police used tear gas and water cannons, and carried out mass arbitrary arrests, detaining at least 100 protesters.[208] Reports later emerged of detainees being subjected to torture while in custody.[209]

For years, police and security forces operating in the Jammu and Kashmir region resorted to the use of shotgun pellets, causing severe injuries, including eyesight damage and other long-term disabilities.[210] During an uprising in the region in 2016, more than 1,100 people lost their sight as a result of pellets.[211] In 2021, UN Secretary General António Guterres expressed concern over the use of shotgun pellets against protesting minors in Jammu and Kashmir.[212]

In many instances, the level of force used by Indian authorities, including the use of firearms and shotgun pellets, likely amounts to torture or other ill-treatment under international law.[213] The use of *lathis* by security forces has become a recurring practice that exceeds permissible levels of force. According to the UN Special Rapporteur on Torture, "lathis fulfil no legitimate law enforcement purpose that cannot be achieved through the use of other less harmful means".[214]

The widespread and violent crackdown on the protests in India has been exemplified by the Government's response to the year-long farmers' protests against three new farming laws introduced in 2020.[215]

CASE STUDY: TORTURE OF PROTESTERS

FARMERS' PROTESTS

In 2020, nationwide demonstrations broke out, drawing thousands of people to the streets in opposition to farming legislation. The demonstrations lasted for a year, during which law enforcement responded with violence, using tear gas and lathis to disperse crowds,[216] resulting in the death of over 700 farmers.[217] These events led the UN Office of the High Commissioner for Human Rights to issue a statement calling on authorities and protesters in India to "exercise maximum restraint" and protect the right to peaceful assembly.[218] The violent repression of protests has continued in subsequent years, with severe injuries inflicted by the police documented during a February 2024 demonstration, organised by workers' unions and others, to demand accountability for promises made in the aftermath of the 2021 farmers' protests.[219]

207 BBC, Rape and murder of doctor in hospital sparks protests in India, 14 August 2024.
208 BBC, Tear gas fired at protesters angry at Indian doctor's murder, 27 August 2024.
209 The Telegraph India, RG Kar protests | Supreme Court halts Calcutta HC's CBI probe order on custodial torture of anti-rape protester, directs fresh SIT review – Telegraph India, 11 November 2024.
210 AI, Losing Sight in Kashmir: The Impact of Pellet-Firing Shotguns, 13 September 2017.
211 Al-Jazeera, UN chief asks India to end use of pellet guns on Kashmir children | Child Rights News | Al Jazeera, 30 June 2021.
212 Al-Jazeera, UN chief asks India to end use of pellet guns on Kashmir children | Child Rights News | Al Jazeera, 30 June 2021.
213 UN Human Rights Council, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Nyaletsossi Voule, Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests, 31 January 2024, A/HRC/55/60.
214 Omega Research Foundation, State violence against protesters: Perspectives and trends in use of less lethal weapons, 2024, p. 26.
215 UK House of Commons Library, Farmers' Protests in India and Agricultural Reforms, 13 December 2021.
216 BBC, India protest: Farmers breach Delhi's Red Fort in huge tractor rally, 26 January 2021.
217 BBC, India farmers' protests: Punjab families grieve their dead, 8 December 2021. Other examples of violence in protests include News Click, As Police Lathi-Charge, Dalit Protests Turn Violent in UP | NewsClick, 2 April 2018 and Scroll.in, Thousands rally in Mumbai to demand the arrest of alleged instigator of Bhima Koregaon violence, 26 March 2018.
218 UN News, India: UN rights office urges 'maximum restraint' in ongoing protests, 7 February 2021.
219 AI, India: The price of protest must not be death, 22 February 2024.

Tactics employed to crackdown on the protests in 2021 and February 2024 included excessive use of force, internet shutdowns, threats to revoke protesters' passports and visas, and heavy blockades constructed with barbed wire and nails to prevent the march from proceeding.[220] The use of less-lethal weapons was also documented, including rubber bullets, long range sonic devices capable of causing hearing impairments, and drone-based tear gas launchers.[221] The drone-based tear gas launchers were reported to have been originally designed to safeguard international borders, but are increasingly being used to control protests.[222]

Further reports emerged of iron pellets having been used by security forces, causing serious eye injuries.[223] At least four protesters were reportedly killed as a result of the injuries sustained during the February 2024 demonstrations.[224] Further claims of police brutality also emerged, including the torture of a protester while in custody who had been dragged by a rope tied around his neck and beaten, resulting in head trauma and multiple bone fractures.[225]

Another significant example of excessive use of force and torture in the context of peaceful demonstrations is the Government's response to protests against the controversial Citizenship Amendment Act.

CASE STUDY: TORTURE OF PROTESTERS

ANTI CITIZENSHIP ACT PROTESTS

The Citizenship Amendment Act grants accelerated citizenship to religious minorities from Pakistan, Bangladesh, and Afghanistan who entered India before 2015, but excludes Muslims.[226] Opponents of the law argue that it is exclusionary and undermines the secular principles enshrined in India's Constitution. Its adoption in December 2019 sparked nationwide protests, with tens of thousands taking to the streets, prompting authorities to impose bans on public gatherings in many parts of India.[227]

220 AI, India: Government must stop crushing farmers' protests and demonizing dissenters, 09 February 2021; HRW, India: Protect Farmers' Right to Peaceful Protest, 29 February 2024; Hindustan Times, Haryana Police's big move against farmers involved in violence during protest, 29 February 2024; Nikkei Asia, India's massive farmer protests spark police brutality claims, 28 February 2024.

221 PUCL, Stop Waging War against our Farmers – People's Union For Civil Liberties, 15 February 2024; The Wire, Farmers Protest Has Shown That SC Must Strike Down the Use of Pellet Guns With a Sense of Urgency, 2 March 2024; Euronews, Police fire tear gas from drones at Indian farmers' protest, 13 February 2024; Sky News, Tear gas dropped from drones as protesting farmers march towards New Delhi, 13 February 2024; BBC News, Watch Indian police fire tear gas at protesting farmers, 13 February 2024.

222 Hindustan Times, How Haryana is deploying drones used at Pakistan border to drop tear gas on protesting farmers, 14 February 2024.

223 Al Jazeera, "We want dignity": India farmers defy pellets, drones to demand new deal, 21 February 2023; HRW, India: Protect Farmers' Right to Peaceful Protest, 29 February 2024.

224 Independent, One dead amid police violence as Indian farmers resume march on Delhi, 21 February 2024. Also see Sabrangindia, Farmers Protest: Three more protesting farmers die due to breathing problems; total death toll rises to 10, 19 March 2024.

225 ABP Live, Head trauma, Fractures, Rope Tied Around Neck: Farmer Leader Claims Arrested Protester 'Tortured' in Custody, 25 February 2024; ANI, Farmer leader alleges torture on arrested protester in custody, 25 February 2024.

226 BBC News, CAA: India's new citizenship law explained, 12 March 2024.

227 BBC News, Citizenship Act protests: Three dead and thousands held in India, 19 December 2019.

Numerous reports emerged following these protests documenting torture and excessive use of force, including through the indiscriminate firing of live ammunition against crowds, protesters, and bystanders.[228] At least 31 people, including children, died nationwide during the crackdown, with 14 protesters reported to have been killed or to have died from firearm injuries in Uttar Pradesh.[229] A fact-finding investigation in January 2020 revealed that close to 41 children were detained and subjected to custodial torture for their participation in the protests. Some were reportedly detained alongside adults, and forced to witness their torture.[230] Survivor testimonies described severe beatings by police with batons and lathis, as well as other forms of abuse, including sleep deprivation, threats, and denial of access to drinking water.[231]

In addition, the Uttar Pradesh police circulated posters with pictures of individuals who had "allegedly" participated in the protests, publishing their addresses and names and labelling them "guilty" before any court process had occurred,[232] a tactic used to intimidate both the individuals and their communities.[233]

The International Commission of Jurists concluded that the conduct of the police and the Indian Government in response to the protests amounted to a "violation of its obligations to protect the right to life and freedom from torture and cruel inhuman degrading treatment".[234] Despite calls for thorough, prompt, and impartial investigation into deaths and allegations of torture, it took the NHRC two years to conduct a spot inquiry.[235] In the intervening period, victims' families reported intimidation by police and State officials, denial of access to post mortem reports, and threats.[236] The outcome of the inquiry is still not public and, to our knowledge, no State authority has been held accountable for the reported violations.[237]

Torture as a Tool for Discriminatory Oppression

As this report has shown thus far, Indian authorities routinely use violence amounting to torture and ill-treatment in law enforcement and in custodial contexts. Individuals who belong to ethnic and religious minorities in

228 The Wire, In Bijnor, Children Give Harrowing Accounts of Beating by UP Police After CAA Protest, 25 December 2019; OMCT, Human Rights Violations and Police Brutality in Uttar Pradesh Statement by SOS-Torture Asia Litigators Group, 1 January 2020; The Guardian, "I'll destroy your family": India's activists tell of false arrest and torture in custody, 1 February 2020; The Wire, Bystander Shot During Police Crackdown on CAA Protest in Rampur Was Denied Medical Aid, 29 December 2019.

229 Scroll.in, Citizenship Act Protests: 14 of 17 deaths in Uttar Pradesh were due to 'firearm injuries', 23 December 2019; International Commission of Jurists, Briefing Paper on the Unlawful use of Force by uttar Pradesh Police to Quel Anti-Citizenship Amendment Act Protests, [n.d].

230 Quill Foundation, Citizens Against Hate, HAQ: Centre for Childs Rights, Brutalising Innocence: Detention Torture and Criminalisation of Minors by UP Police to quell anti-CAA protests, January 2020; The Wire, UP Police Brutalised Minors During Anti-CAA Protests Crackdown: Fact-Finding Team, 14 February 2020.

231 Quill Foundation, Citizens Against Hate, HAQ: Centre for Childs Rights, Brutalising Innocence: Detention Torture and Criminalisation of Minors by UP Police to quell anti-CAA protests, January 2020, pp. 3-7; The Guardian, "I'll destroy your family": India's activists tell of false arrest and torture in custody, 1 February 2020; The Indian Express, Uttar Pradesh: Activist Deepak Kabir released, alleges torture, 10 January 2020.

232 India Today, Yogi's name and shame raj: Banners with photos, personal details of CAA protesters put up in Lucknow, 7 March 2020.

233 Quill Foundation, Citizens Against Hate, HAQ: Centre for Childs Rights, Brutalising Innocence: Detention Torture and Criminalisation of Minors by UP Police to quell anti-CAA protests, January 2020.

234 International Commission of Jurists, Briefing Paper on the Unlawful Use of Force by Uttar Pradesh Police to Quell Anti-Citizenship Amendment Act Protests, [n.d].

235 The Wire, Two Years Since Killing of Anti-CAA Protesters in UP, NHRC Conducts Spot Inquiry, 29 December 2021.

236 The Guardian, "I'll destroy your family": India's activists tell of false arrest and torture in custody, 1 February 2020; The Wire, Two Years Since Killing of Anti-CAA Protesters in UP, NHRC Conducts Spot Inquiry, 29 December 2021.

237 The Wire, Two Years Since Killing of Anti-CAA Protesters in UP, NHRC Conducts Spot Inquiry, 29 December 2021; The Indian Express, Rioting FIR has details, timeline, gives clean chit to police; FIR on killing is just one para, 2 January 2020.

India bear the heaviest burden of such violence. In its 2020 report, the NCAT highlighted that the NHRC annual reports between 1996 to 2018 show that around 71% of custodial deaths in India involved individuals from poor or marginalised backgrounds. These groups include communities of Scheduled Castes (Dalits), Scheduled Tribes (Adivasis), as well as religious minority groups, primarily Muslims.[238]

The Torture of Scheduled Castes and Tribes

There is a long-standing pattern of discrimination targeting Scheduled Castes and Tribes in India by both State and private actors. For decades, crimes against Scheduled Castes, including torture, were vastly committed with impunity.[239] Discriminatory norms have affected members of Scheduled Castes' rights to life, health, education, employment, and equal treatment before the law. This led former Prime Minister Manmohan Singh to acknowledge this discrimination's similarity to the crime of apartheid in 2006.[240]

Over the years, the Indian Parliament has attempted to address the issue of systematic discrimination and violence against Scheduled Castes and Tribes through legislative reform, including the 1989 Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act and its 2016 amendment, which aimed to provide greater protection. However, despite constitutional and legislative protection, in practice, discrimination and widespread violence have persisted, with impunity.[241] A significant portion of this violence is committed by civilians, who are rarely prosecuted, fostering a culture of impunity and normalisation of such acts. In 2023, more than 50,000 crimes against individuals from Scheduled Castes were reported.[242] While official data on prosecutions for these crimes is unavailable, the conviction rate for crimes against Scheduled Castes and Tribes has remained low – just 32% in 2022.[243]

This environment of normalised discrimination against Scheduled Castes and Tribes increases their vulnerability to human rights violations – including torture – by the police and security forces. In 2019, the National Dalit Movement for Justice reported to the HRCttee that Dalits are frequently subjected to violent searches and raids, as well as torture following arrest based on falsified charges.[244] The National Dalit Movement for Justice noted that Dalits in custody often face caste-based verbal abuse, severe beatings, sexual violence, and poor imprisonment conditions, among other forms of torture and ill-treatment, in some cases leading to death.[245]

In Karnataka in 2021, a Dalit man reported that three police officers at the Gonibeedu police station forced him to drink urine while in custody for "allegedly creating discord between a couple in the village".[246] The victim stated that he was beaten and humiliated for hours in an attempt to extract a confession.[247] A First Information Report –

238 National Campaign Against Torture, No Excuse of Kleptomania: Poverty, Prejudices and Torture in India, 10 December 2020.
239 HRW, "Hidden Apartheid' of Discrimination Against Dalits: Government Fails to End Caste-Based Segregation and Attacks,' 13 February 2007.
240 HRW, "Hidden Apartheid' of Discrimination Against Dalits: Government Fails to End Caste-Based Segregation and Attacks,' 13 February 2007.
241 National Dalit Movement for Justice, Quest for Justice, Status Report on the Implementation of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 and Rules 1995, 2020.
242 Times of India, Crimes Against STs: Crimes against SCs went up 13% and against STs by 14.3% in 2022: NCRB, 6 December 2023.
243 Citizens for Justice and Peace, UP leads in cases of atrocities against Dalits, Madhya Pradesh tops in most crimes reported against ST's, 24 September 2024.
244 National Dalit Movement for Justice and International Dalit Solidarity Network, Joint Submission To The United Nations Human Rights Committee, Adoption Of List Of Issues, 26 July 2019.
245 National Dalit Movement for Justice and International Dalit Solidarity Network, Joint Submission To The United Nations Human Rights Committee, Adoption Of List Of Issues, 26 July 2019.Also see Common Cause, Status of Policing in India Report 2025, Police Torture and (Un)accountability, p. 28.
246 Indian Express, 'Most heinous act': Karnataka court refuses anticipatory bail to cop accused of forcing Dalit man to drink urine, 04 June 2021.
247 Indian Express, 'Most heinous act': Karnataka court refuses anticipatory bail to cop accused of forcing Dalit man to drink urine, 04 June 2021.

the initial recording of a formal complaint –[248] was registered against a police sub-inspector in the Chikkamagaluru District of Karnataka. In September 2021, the sub-inspector was reportedly remanded to judicial custody after being produced before a local court.[249]

A local newspaper has investigated and reported on 33 cases of torture by the police between 2020-2022, the majority of which were committed against individuals from Scheduled Tribes.[250] These cases include severe beatings by the police, forced rape between detainees, and ten instances of death in custody as a result of torture.

CASE STUDY: TORTURE OF SCHEDULED CASTES AND TRIBES

ARRESTS AND TORTURE OF DALIT PEOPLE IN PARBHANI

In December 2024, unrest broke out in Parbhani over the vandalism of a replica of the Constitution. On 11 December, in response to a strike called by local Dalit organisations, the police conducted violent operations in areas populated by Dalits and arrested at least 40 individuals. Detainees were severely beaten, and detained women were sexually assaulted, as documented by a fact-finding team made up of journalists, lawyers, and activists.[251] Among the detainees was Somnath Suryavanshi, who was brutally beaten, and died in judicial custody on 15 December 2024. Despite a post-mortem examination determining that Somnath's death was caused by a "shock due to multiple injuries", the police claimed that his death was the result of a heart attack. On 15 January 2025, after Somnath's mother refused compensation for his death and demanded accountability, a judicial commission was appointed to investigate the custodial death and the police action against Dalit people in Parbhani.

The Torture of Religious Minorities

Religious minorities in India have been subjected to torture, extrajudicial killings, and other forms of violence.[252] While many religious groups are subjected to discriminatory violence, Muslims, Christians, and Sikhs are disproportionately affected.[253] These abuses are facilitated by a broader context of systemic discrimination and nationalist rhetoric, which has intensified under the BJP Government over the last decade. This has led UN experts to express concerns over the alarming dehumanising speech and incitement against religious and other minorities in the lead up to the 2024 election.[254] For instance, in the 2024 state elections in the state of Jharkhand, the BJP published campaign materials portraying Muslims in a derogatory and dehumanising manner, further normalising anti-Muslim sentiment.[255]

248 Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, s 173, Previously India's CrPC, 1973, s 154.
249 India Today, Karnataka: Dalit youth alleges cops beat him up, made him lick urine inside police station – Bangalore News, 22 May 2021.
250 The Print, Custodial deaths, claims of torture — how Adivasis suffer 'police repression' in Jharkhand, 27 March 2022.
251 Subrang India, Parbhani police under scrutiny: Fact-finding report exposes allegations of brutality, illegality, and constitutional violations, 23 January 2025.
252 AI, Six Months Since Delhi Riots, Delhi Police Continue to Enjoy Impunity Despite Rights Violations, 27 August 2020.
253 HRCttee, Concluding Observations 2024, 25 July 2024, para. 13.
254 OHCHR, India: UN experts urge corrective action to protect human rights and end attacks against minorities in lead up to elections, 07 March 2024. Also see Foreign Police, Modi's Campaign Rhetoric is Dangerous, 28 May 2024.
255 The News Minute, BJP ads target Muslims yet again, this time for Jharkhand election, 17 November 2024.

CASE STUDY: TORTURE OF RELIGIOUS MINORITIES

KILLING OF A MUSLIM BOY IN WEST BENGAL

In its August 2020 report, Banglar Manabadhikar Suraksha Mancha (MASUM), a human rights NGO based in the state of West Bengal, reported the extrajudicial killing of Sahinur Haque, a young Muslim boy. Sahinur was playing games on his phone with his two brothers outside their house when he was shot by border guards, causing injuries to his hand. The guards then approached Sahinur and subjected him to severe beatings before the commander of the unit shot the victim twice at close range, killing him immediately. Sahinur's uncle submitted a complaint to the local police station, but it was not registered as a First Information Report but rather simply added as a case diary entry (a police report). MASUM lodged a complaint with the NHRC, but no updates on the case have been reported.[256]

In recent years, punitive measures targeting minorities allegedly involved in communal violence or protesting discriminatory laws and policies have emerged as a disturbing trend. These include the demolition of homes, businesses, and places of worship,[257] an issue that alarmed UN experts in 2022.[258]

These incidents occur in a broader context of abuse and violence, including during protests organised by religious minorities. For instance, in June 2022, Amnesty International reported that protests by the Muslim population in response to offensive statements by State officials were violently suppressed by police, resulting in two deaths and a spate of home demolitions.[259]

State violence against minorities is also used in response to intercommunal clashes. In October 2022, in a statement on an increase in punitive measures against Muslims allegedly violating the law, Human Rights Watch described an incident in which Muslim men accused of throwing stones during a Hindu festival were publicly flogged with lathis while being held against a lamp-post by police officers.[260]

Muslims – as well as other religious minorities – are also reportedly subjected to discriminatory torture while in police custody. NCAT reported that in 2019, 60% of those who died in police custody were either Muslim, Dalit, or Adivasi.[261] According to 2022 prison statistics, out of the 573,220 prisoners in India, 19.3% were Muslim, while the Muslim population in India represented 14.2% of the overall population.[262] The disproportionality of the number of detained Muslims compared to their population is even clearer when examined in individual states. For example, in the state of Telangana where Muslims constitute around 12.68% of the population, 49.5% of detainees in 2020 were Muslim.[263]

256 MASUM, Monthly Report, August 2020.
257 AI, India: "If you speak up, your house will be demolished": Bulldozer injustice in India, 7 February 2024.
258 Between January 2022 and December 2023, punitive demolitions displaced around 740,000 people in India, prompting a November 2024 Supreme Court ruling that condemned the practice for lacking due process and issued guidelines to ensure legal safeguards before demolitions occur. SeeSpecial Rapporteur on adequate housing; the Special Rapporteur on minority issues and the Special Rapporteur on freedom of religion or belief, 9 June 2022; Parul Raghuwanshi, Oxford Human Rights Hub, When Bulldozer Justice Breeds Injustice: Indian Supreme Court Curtails Arbitrary Demolitions, 24 April 2025; BBC, India's top court bans 'bulldozer justice' as punishment, 13 November 2024. See Supreme Court of India, Judgment on petitions in re: Directions in the matter of demolition of structures, 13 November 2024.
259 AI, India: Excessive use of force, 14 June 2022.
260 HRW, India: Surge in Summary Punishments of Muslims | Human Rights Watch, 7 October 2022.
261 CNN, Indian police use violence as a shortcut to justice. It's the poorest who bear the scars, 3 December 2020.
262 Article 14, Lack of Accountability for Muslim Carpenter's Death in Karnataka Police Custody Points to Endemic National Failures, 20 January 2025.
263 Article 14, Why The Percentage Of Muslim Prisoners In India's Jails Is Disproportionate to Their Population In India, 15 March 2022.

The case of Yunus Shah, illustrated below in the 'Reprisals against complainants' section, is one such example of torture against Muslims. In this case, the WGAD found that Shah's detention – during which he was tortured – was based on discriminatory grounds, namely his status as a member of a religious minority (Muslim).[264] In June 2022, a video circulated online showing Indian police severely beating Muslims in custody; it was shared by a BJP member who referred to the abuse as a "gift" to the men.[265]

South Asia Justice Campaign, in its report 'Torture, Impunity, and Religious Minorities in India', presented further case studies of torture by State forces against religious minorities in Uttar Pradesh, Rajasthan, Haryana, and Delhi. The reported patterns included false accusations of cow slaughter, being forced to repeat Hindu chants, and beatings leading to death.[266]

CASE STUDY: TORTURE OF RELIGIOUS MINORITIES

TORTURE AND DEATH OF DAUD SEIKH

Daud Seikh, a Muslim day labourer with two children from West Bengal, was arrested on 7 April 2024 without his family being informed. While in custody, he was interrogated and tortured to death, though his family was told on 13 April 2024 that he had died by suicide. When the family was allowed to see his body, they found multiple bruises, suggesting a different cause of death.[267] A hospital doctor reportedly told the family that the marks on Daud's neck indicated an unnatural death inconsistent with suicide, as claimed by the police. On 15 April 2024, Daud's wife attempted to file a complaint at the Samsherganj Police Station, but the authorities refused to register it.[268] Following calls from civil society, the NHRC registered a case of custodial death on 6 September 2024.[269] No action by the NHRC has been reported to date.

Additionally, members of the Sikh community have long been subjected to discriminatory violence in India, particularly in the state of Punjab, where the majority of Sikhs reside.[270] Human rights violations against Sikhs include enforced disappearances, extrajudicial killings, arbitrary detention, and torture under terrorism-related charges, as illustrated in the case of Jagtar Singh Johal mentioned above. Similarly, during the 2021 farmers' protests – in which many Sikhs participated –, Sikh protesters were reportedly discredited by State officials, who referred to them as terrorists.[271]

Other religious minorities, such as Christians, also face significant levels of violence in India.[272] In 2024 alone, 834 incidents targeting the Christian community were reported, reflecting a steady increase since 2015, when 179 cases were documented, followed by 327 cases in 2020 and 734 in 2023.[273] Indian CSOs have reported that many victims were reluctant to file police complaints due to fear of bias, as police often discourage reporting and cite the

264 UN Working Group on Arbitrary Detention, Opinion No. 45/2024 concerning Yunus Shah (India), 10 October 2024, A/HRC/WGAD/2024/45.
265 BBC, Nupur Sharma protests: The police brutality video that shocked India, 17 June 2022.
266 South Asia Justice Campaign, Torture and Impunity in India: Case Studies of Custodial Torture against Muslims, May 2025.
267 OMCT, India: Daud Seikh's death in police custody highlights police torture, 31 May 2024.
268 Counter View in, Custodial death of 27-year-old youth in West Bengal 'projected' as suicide, 17 May 2024.
269 NHRC, Case No. 76/25/13/2025-AD, Action No 1, dated 24 March 2025.
270 The Sikh Coalition, Statement for a hearing before the United States Commission on International Religious Freedom, 25 January 2025.
271 UK House of Commons Library, The imprisonment of Jagtar Singh Johal, 18 January 2023.
272 Human Rights Council, Written statement* submitted by European Centre for Law and Justice, 28 February 2024.
273 The Wire, 834 Attacks on Christians in India in 2024, 100 More Than 2023: Rights Group, 10 January 2025.

risk of retaliation by perpetrators.[274] In addition, members of the Christian community face criminal prosecution under anti-conversion laws – legislation enacted in several Indian states that prohibits religious conversion and that has been used to target religious minorities and interfaith relationships.[275] In June 2024, 13 Christians were arrested in Uttar Pradesh on charges related to anti-conversion laws.[276]

In 2022, approximately 1,000 tribal Christians were reportedly displaced from their villages in the state of Chhattisgarh. The United Christian Forum reported in 2023 that Christians in India face an average of two attacks per day.[277]

In Manipur, the 2023 unrest has disproportionately affected the Christian Kuki community, resulting in around 160 deaths, over 300 people injured, and the displacement of tens of thousands of people. The violations in Manipur which included sexual violence, including gang rape, prompted UN experts to issue a statement expressing serious alarm.[278] Also, in July 2024, the HRCttee noted its concern "about the very high levels of violence against religious minorities, such as the incidents in Manipur since May 2023 and the riots in Gujarat in 2002, and the resulting lack of accountability for human rights violations, including extrajudicial killings".[279]

Torture in Specific Regions

For historical and political reasons, some regions in India have been significantly affected by systematic and widespread violence, including torture, enforced disappearance, and extrajudicial killings by security and armed forces, often under the guise of fighting insurgency and terrorism. In justifying such violations, the Indian authorities usually rely on the Armed Forces Special Powers Act (AFSPA) and the UAPA, which could be deemed as emergency measures, but which take place absent an official declaration of a state of emergency and persist for long periods of time. Some regions in India are declared "disturbed" by the Governor of the state using the AFSPA framework, which has triggered the HRCttee's concern as being a violation of international law.[280] So-called 'disturbed areas' encompass a wide range of states including the northeastern states of Assam, Nagaland, and Manipur, and the Jammu and Kashmir region. This section looks into examples of regions that suffer intensified violence by the Indian security and armed forces, primarily torture, extrajudicial killings, and ill-treatment.

Chhattisgarh: Violence against Adivasis

As explained in the previous section, Scheduled Tribes (Adivasis), are disproportionately affected by discrimination. Chhattisgarh is a state with a long history of Adivasi resistance to land confiscation and displacement caused by natural resource extraction and industrialisation – a context that has fuelled decades-long unrest, including an armed insurgency by the Communist Party of India (Maosit), commonly referred to as the "Maoists".[281] In this context, the Adivasi civilian population in Chhattisgarh has suffered systematic violence, including extrajudicial killings, gang rape, arson, and mass displacement.[282]

274 The Wire, 834 Attacks on Christians in India in 2024, 100 More Than 2023: Rights Group, 10 January 2025.
275 US Commission on International Religious Freedom, Increasing Abuses against Religious Minorities in India, October 2024.
276 Union of Catholic Asian News, 13 Christians jailed in northern Indian state, 26 June 2024.
277 EFE, 'Two attacks a day': Why India is one of most dangerous places for Christians, 14 December 2023.
278 OHCHR, India: UN experts alarmed by continuing abuses in Manipur (**UN experts: Manipur**), 04 September 2023.
279 HRCttee, Concluding Observations 2024, 25 July 2024, para. 45.
280 HRCttee, Concluding Observations 2024, 25 July 2024, para. 27.
281 India Justice Project and ECCHR, In the Name of Development, Indigenous Rights Violations and Shrinking Space in Chhattisgarh, 14 October 2022.
282 The Polis Project, Years Of Oppression In The Name Of "development:" A Tale Of Ongoing Human Rights Violations In Bastar, 2 September 2021; India Justice Project and ECCHR, In the Name of Development, Indigenous Rights Violations and Shrinking Space in Chhattisgarh, 14 October 2022.

In the first three months of 2025, 140 people were reportedly killed by Indian security forces.[283] In April 2023, following aerial bombardments with drone strikes in Bastar – a region in Chhattisgarh –, UK parliamentarians, human rights organisations, and academics issued a statement condemning the "terror" inflicted on the Adivasi population of Bastar by the Indian Government over many years.[284]

Similarly, reports account that in the first six months of 2024 alone, 150 people were killed by security forces in counter-insurgency operations. While the Government claimed that all individuals killed were "armed Maoists", the human rights group called the People's Union for Civil Liberties, and independent journalists, challenged the official version and reported that many victims were unarmed civilians, including minors.[285]

People in Chhattisgarh often face arbitrary arrest based on trumped-up charges of being "Maoists" or committing crimes attributed to the "Maoists". In 2017, around 121 Adivasis were arrested in relation to a "Maoist" attack in Sukma District and were imprisoned for five years. In 2022, all 121 people were acquitted for lack of evidence, including no proof that the arms seized by the police belonged to them.[286]

Sexual and gender-based violence has also long constituted a major pattern of abuse by security forces in Chhattisgarh. Reports indicate that between October 2015 and February 2016, more than 50 women were subjected to sexual violence, including 20 incidents of gang rape in the Bastar region.[287] NGO reports also show that land confiscation in Chhattisgarh has increased under BJP rule, alongside a rise in associated sexual violence against Adivasi women.[288] In February 2019, in a counter-insurgency operation, security forces reportedly shot five women in the legs, raped them, and then killed them. Their bodies were later found mutilated, including their genitals.[289] Women human rights defenders such as Soni Sori and Hidme Makram, who exposed this violence, were also subjected to arbitrary arrest and false criminal charges. Soni Sori was subjected to sexual violence in detention as well.[290]

CASE STUDY: TORTURE IN SPECIFIC REGIONS

TORTURE AND DEATH OF A WOMAN IN CHHATTISGARH

On 18 February 2021, Pande Kawasi, a 20-year-old woman from Gudse village in Chhattisgarh, was arrested by the Chhattisgarh police's District Reserve Guard along with her friend. Although no criminal charges were ever brought against Pande, the police described her as a "surrendered Maoist". She was only allowed to meet her family on 20 February, who reported seeing serious bruises on her body, including large blue marks on her thighs and back. Pande told her family that she and her friend were first taken to a nearby forest, tied to a tree for hours, and threatened with death if they did not "surrender", after which they were taken to Dantewada police station. When Pande's family returned to the police station on 23 February, they were

283 Frontline, Bastar: Blood on our hands, 09 April 2025.
284 Statement against the drone bomb attacks in Chhattisgarh, India, 17 April 2023. See also, Frontline Defenders, Arrest and crackdown against human rights defenders in Bastar District, Chhattisgarh State, campaigning against corporatization and militarization, 15 May 2024.
285 Countercurrents, Extra Judicial Killings, False Arrest And Forced Surrenders In Bastar: The Unchecked Violation Of Human Rights, 29 June 2024.
286 Newslaundry, False cases: How Chhattisgarh jailed 121 Adivasis for 5 years for a crime they didn't commit, 21 July 2022.
287 India Justice Project and ECCHR, In the Name of Development, Indigenous Rights Violations and Shrinking Space in Chhattisgarh, 14 October 2022.
288 Survival International, Brutalized for resistance: The assault on Indigenous women in Modi's India, 2022.
289 Groundxero, An Interview with Soni Sori: National Politics and 'Change' in Bastar, 25 March 2019.
290 Frontline Defenders, Soni Sori, [n.d]; Frontline Defenders, Hidme Makram, [n.d]; Survival International, Brutalized for resistance: The assault on Indigenous women in Modi's India, 2022.

informed that Pande had died by suicide. Her mother told reporters that Pande's body had clear signs of physical and sexual violence. Pande's family believes that the police sexually assaulted and murdered her.[291]

Human rights activists documenting systematic violations against the Adivasi population in Chhattisgarh are also subjected to arbitrary arrests and false criminal charges as means of silencing them. In 2017, civil society groups highlighted the targeting of individuals reporting on violence in the Bastar region of Chhattisgarh, including through sexual violence.[292] Human rights defenders are detained under laws such as the UAPA and the National Security Act. They are subjected to torture and ill-treatment, in some cases including extreme forms of solitary confinement, such as in the notorious "Anda cells" – small, enclosed cells designed to restrict movement, isolate detainees from the outside world, and deprive them of sensory stimulation.[293] Some individuals, including journalist Prashant Rahi[294] and civil rights activist Gautam Navlakha, have spent years in such conditions.[295] Additionally, the deliberate denial of medical care is routinely used by prison authorities as a form of punishment.

CASE STUDY: TORTURE IN SPECIFIC REGIONS

On 9 May 2014, former Delhi University professor and human rights activist Dr. GN Saibaba –[296] known for his advocacy on behalf of Adivasi and Dalit communities in India – was illegally arrested by the police. He was removed from his wheelchair and thrown into a police van, resulting in injuries.[297] Professor Saibaba was arrested along with five others under the UAPA,[298] and accused of "collaborating with banned Maoist insurgent group", among other charges.[299] During more than ten years of imprisonment, he was reportedly subjected to ill-treatment, including solitary confinement in an "Anda cell",[300] which may amount to torture under international law.[301] Despite being paralysed from the waist down and suffering from multiple health problems, he was denied access to a wheelchair and adequate medical treatment, leading to a severe decline in his health.[302] In 2021, the WGAD found his detention to be arbitrary and noted that the charges against him, such as intending "to disrupt the sovereignty and territorial integrity of India", were broad and ambiguous.[303] Professor Saibaba was finally released on 5 March 2024, after an Indian court found "no tangible material" to justify the charges or even the need for a trial. He died on 12 October 2024.[304]

291 Violation of Civil and Political Rights of Indigenous Peoples in India, NGO submission to the HRCttee for India's ICCPR review (2024) by Forum Against Militarization and Corporatization and others, 2024, p. 26-27.
292 The Wire, Restore Rule of Law in Bastar,' Demand Academics, Activists and Journalists – The Wire, 31 January 2017.
293 Jyoti Punwani, Rediff, My 7 years in Anda cell were the most inhuman form of solitary confinement, 18 March 2024.
294 The Indian Express, Was sure I would be cleared of all charges': Acquitted after decade in jail, ex-journalist ponders future, 28 April 2024; Rediff.com, My 7 years in Anda cell were the most inhuman form of solitary confinement, 18 March 2024.
295 The Indian Express, Who is Gautam Navlakha, soon to be under house arrest after Supreme Court relief?, 21 November 2022; The Indian Express, How the 'anda cell' is used to discipline prison inmates, 29 October 2021.
296 People's Union for Civil Liberties, Dr. GN Saibaba's untimely demise a loss to the academic and Human Rights Community, 14 October 2024.
297 US Commission on International Religious Freedom, Gokarakonda Naga Saibaba, [n.d].
298 Indian Express, Delhi University Professor G N Saibaba is arrested for 'Naxal links' | India News – The Indian Express, 10 May 2014.
299 US Commission on International Religious Freedom, Gokarakonda Naga Saibaba, [n.d].
300 Frontline, GN Saibaba reveals torture and injustice during 10-year imprisonment, 9 March 2024.
301 OHCHR, UN Special Rapporteur on torture calls for the prohibition of solitary confinement, 18 October 2011.
302 Frontline, GN Saibaba reveals torture and injustice during 10-year imprisonment, 9 March 2024; Sikh Siyast News, Human Rights Defender Alert: GN Saibaba Denied Adequate Medical Treatment in Custody, 26 April 2018.
303 OHCHR, Opinion No. 21/2021 concerning Gokarakonda Naga Saibaba (India), 17 June 2021.
304 Supreme Court Observer, A decade in incarceration: How justice failed Professor G.N. Saibaba, 14 March 2024, see also AI, India: Re-acquittal of human rights defender GN Saibaba is a triumph of justice over continued repression, 5 March 2024.

In 2022, Pandu Narote, who was detained in the same case, died at the age of 35 due to gross medical neglect in prison, according to the People's Union for Civil Liberties. No investigation into his death was carried out.[305]

India-Bangladesh Border (BSF Violence)

India's border with Bangladesh has long been a flashpoint for violence by India's Border Security Force (BSF), including extrajudicial killings and torture.[306] The BSF, a paramilitary force under the Central Armed Police Force in India,[307] operates in the India-Bangladesh border region and other international border areas. This region is home to various minority communities, including Muslims, Dalits, and Adivasis – groups that face systemic discrimination across India, as outlined in earlier sections.[308] Despite a 2022 joint commitment between India and Bangladesh to reduce border-related deaths to "zero",[309] serious concerns persist. Human rights organisations estimate that the BSF killed around 30 Bangladeshis people annually between 2013 and 2023.[310] During the same period, the BSF reportedly abducted 500 Bangladeshi civilians, 126 of whom remain missing.[311] The NGO MASUM documented 328 incidents of torture and deaths in custody between 2013 and 2020 in West Bengal, a state bordering Bangladesh.[312]

The BSF has not only been involved in shooting individuals at the borders, but also uses pellet guns against those suspected of attempting to cross the border,[313] in violation of international standards.[314] Additionally, torture by the BSF includes acts such as "gunshot wounds, hacking wounds, restraining individuals by tying their hands and feet before submerging them in water, using pliers to pull out nails, bayonet stabbings, ear mutilation, physical beatings, burning the entire body or specific body parts with cigarettes. Even more severe actions include burning, maiming, genital mutilation, eye gouging, hanging bodies on barbed wire, and instances of rape".315

CASE STUDY: CUSTODIAL TORTURE BY THE BSF

SERAJUL HAQ

In November 2017, the NHRC received a complaint about the custodial torture and killing of Serajul Haq by BSF personnel. Serajul's wife stated that Serajul had been taken into custody to a remote location near the border fence with Bangladesh, where he was beaten to death. The police refused to act on her complaint,

305 People's Union for Civil Liberties, Dr. GN Saibaba's untimely demise a loss to the academic and Human Rights Community, 14 October 2024.
306 The Diplomat, The Deadly Border Between Bangladesh and India, 23 February 2024; HRW, India: Investigate Alleged Border Force Killings, 9 February 2021.
307 India Ministry of Home Affairs, Central Armed Police Forces. Also see OMCT, Extrajudicial killing at the India-Bangladesh Border: Urgent Call for Justice in the case of Liton Miya, 05 April 2024.
308 OMCT, Extrajudicial killing at the India-Bangladesh Border: Urgent Call for Justice in the case of Liton Miya, 5 April 2024.
309 Dhaka Tribune, India-Bangladesh joint statement during PM Hasina's state visit to India, 8 September 2022.
310 The Diplomat, The Deadly Border Between Bangladesh and India, 23 February 2024.
311 The Diplomat, The Deadly Border Between Bangladesh and India, 23 February 2024.
312 MASUM, Submission to the United Nations Human Rights Committee for its consideration of the 4th periodic report of India at its 141th Session, 3 June 2024.
313 The Diplomat, The Deadly Border Between Bangladesh and India, 23 February 2024. Also see HRW, India: Investigate Alleged Border Force Killings, 09 February 2021.
314 OHCHR, Guidance on Less-Lethal Weapons in Law Enforcement, 2020.
315 According to a research paper by Dr. Saleh Shahriar, an assistant professor of history at North South University in Bangladesh, see The Diplomat, The Deadly Border Between Bangladesh and India, 23 February 2024.

prompting the NGO MASUM to appeal to the NHRC. In response, the BSF denied the claim for compensation, arguing that criminal proceedings were ongoing and that the NHRC lacked jurisdiction over the armed forces. The NHRC reiterated its finding that torture had occurred, criticised the BSF for invoking immunity from prosecution granted in laws governing armed forces' operations, and recommended that Rs. 200,000 be paid as compensation to Serajul's next of kin. There was no response to this request and the NHRC closed the case.[316]

CASE STUDY: EXTRAJUDICIAL KILLING AT THE INDIA-BANGLADESH BORDER

BASER ALI

The NGO MASUM documented 19 incidents of extrajudicial killings at the border by the BSF in its 2024 submissions to the HRCttee. One such case is that of Baser Ali, who was killed by BSF personnel in 2019 while bathing in the Kaljani River. According to MASUM, he was likely suspected of cow-smuggling. While in the river, he was reportedly surrounded by BSF boats, intentionally run over, and left gravely injured. BSF officials then allegedly dragged him to the riverbank and shot him at close range, resulting in his death.[317]

The shooting of individuals suspected of cattle smuggling is part of a broader pattern of violence at the India-Bangladesh border, where militarisation and poverty have pushed local communities to engage in smuggling as a means of survival.[318]

Other cases of violence by the BSF at the India-Bangladesh border include that of Shimon Toy, a 16 year-old Bangladeshi boy who was shot in the abdomen on 19 April 2020. The incident reportedly occurred after Shimon and his father refused to leave their land when ordered to do so by a BSF officer.[319]

As noted by the World Organisation against Torture on 5 April 2024, "for years the BSF, operating as a paramilitary force, has been perpetrating a reign of terror along the India-Bangladesh border, subjecting border communities to torture, extrajudicial killings, and harassment with impunity".[320]

Jammu and Kashmir (AFSPA-Enabled Violence)

Jammu and Kashmir is a Union Territory in India that borders Pakistan and has long been the focus of territorial disputes and armed conflict between the two countries.[321] Since 1947, the region had been granted special status under the Indian Constitution, allowing for a significant level of autonomy in managing its internal affairs.[322] However, in 2019,

316 NHRC, Case/File No 24/25/6/2018, Action No 11 dated 27 February 2020.
317 MASUM, Submission to the United Nations Human Rights Committee for its consideration of the 4th periodic report of India at its 141th Session, 3 June 2024.
318 OMCT, Extrajudicial killing at the India-Bangladesh Border: Urgent Call for Justice in the case of Liton Miya, 5 April 2024, see also OMCT Impunity for Extrajudicial Killings in West Bengal, 1 August 2019.
319 HRW, India: Investigate Alleged Border Force Killings, 9 February 2021.
320 OMCT, Extrajudicial killing at the India-Bangladesh Border: Urgent Call for Justice in the case of Liton Miya, 5 April 2024.
321 Global Conflict Tracker, Conflict Between India and Pakistan, 29 April 2024.
322 BBC, Article 370: India Supreme Court upholds repeal of Kashmir's special status, 11 December 2023.

the Indian Government, led by the BJP, revoked this special status, bringing the region under direct and central control – a move upheld by India's Supreme Court in 2023.[323] Following this decision, there has been an intensification of the Indian Government's crackdown on civil society, human rights defenders, and the media in the region, particularly through the use of anti-terror legislation such as the UAPA.[324] This period also saw the dissolution of the Jammu and Kashmir State Human Rights Commission, which had approximately 8,000 cases pending at the time of its closure.[325]

India's AFSPA remains in force in Jammu and Kashmir – even after the revocation of the region's special status –, and grants security forces sweeping powers that have facilitated violations of non-derogable human rights.[326] Other laws contributing to human rights violations in the region include the Public Safety Act, under which minors have reportedly been detained.[327] While AFSPA's framework is addressed in more detail in the following section of this report, the broad powers conferred on security forces under the law have led to widespread extrajudicial killings, arbitrary arrests, and torture carried out with absolute impunity.[328] Civilian deaths have reportedly risen over 200% from 2018 to 2023.[329] Human rights organisations working on Jammu and Kashmir have documented 432 cases of torture in detention between 1990 and 2019 in the region.[330] Of these victims, 70% were civilians and 11% died as a result of torture.[331]

The forms of torture committed by security forces in the region include water-boarding, electrocution, sexual torture, burning and beating with sticks, cables, and leather belts.[332] Another form of violence that is likely to amount to torture in Jammu and Kashmir is the security forces' use of shotguns to fire metal pellets for crowd control, which has often resulted in serious injuries.[333] The UN Office of the High Commissioner for Human Rights' 2019 report on the situation in Jammu and Kashmir highlighted that 1,253 people had been blinded by metal pellets between mid-2016 and the end of 2018.[334] In 2016, the Jammu and Kashmir High Court Bar Association filed a case requesting the prohibition of the use of pellets following more than 10,000 injuries and 80 deaths as a result of security forces' use of pellets.[335] However, the High Court decided not to ban pellet guns.[336]

Although the Indian Government maintains that pellet guns are non-lethal, the OMEGA Foundation, an organisation specialised in the analysis of security forces' abuses amounting to torture, has concluded that, given the high risk of serious injury or death, such weapons should be considered a form of lethal force and their use should be prohibited.[337] This position is supported by applicable international standards.[338] To date, no effective measures have been put in place to address the torture, killings, and other violations in the region.

323 BBC, Article 370: India Supreme Court upholds repeal of Kashmir's special status, 11 December 2023.
324 AI, We are being punished by the law, 2 September 2022, p. 21; International Federation for Human Rights, India: Three years of arbitrary detention of Kashmiri human rights defender Khurram Parvez, 21 November 2024.
325 AI, We are being punished by the law, 2 September 2022, p. 25.
326 AI, India Briefing on the Armed Forces (Special Powers) Act 1958, 8 May 2005.
327 International Commission of Jurists, Cease wrongful detentions in Jammu and Kashmir, 15 October 2016.
328 HRW, India, Events of 2020, [n.d].
329 The New York Times, Kashmiris Call for Investigation of Torture Accusations Against India, 6 July, 2019.
330 Jammu Kashmir Coalition of Civil Society (JKCCS), Torture, 20 May 2019.
331 Jammu Kashmir Coalition of Civil Society (JKCCS), Torture, 20 May 2019.
332 Jammu Kashmir Coalition of Civil Society (JKCCS), Torture, 20 May 2019; The Washington Post, The night the soldiers came: Allegations of abuse surface in Kashmir, 30 September 2019.
333 HRW, India: Stop Using Pellet-Firing Shotguns in Kashmir, 4 September 2020.
334 OHCHR, Update of the Situation of Human Rights in Indian-Administered Kashmir and Pakistan-Administered Kashmir from May 2018 to April 2019, 8 July 2019.
335 The Wire, In addition to being a violation of human rights, the continued use of pellet guns has meant an incredible amount of pressure on the states' public healthcare system and medical professionals, 29 March 2017; LSE Blog, Illegal use of pellet guns and human rights violations in Kashmir: varying perspectives and challenges, 16 June 2022.
336 The Wire, In addition to being a violation of human rights, the continued use of pellet guns has meant an incredible amount of pressure on the states' public healthcare system and medical professionals, 29 March 2017.
337 Omega Research Foundation, Submission by the Omega Research Foundation on the impact on human rights of the use of less lethal weapons and ammunition technology in the context of assemblies, including peaceful protests, October 2019.
338 OHCHR, Guidance on Less-Lethal Weapons in Law Enforcement, 2020.

CASE STUDY: JAMMU AND KASHMIR

TORTURE AND DEATH OF RIZWAN PANDIT

Rizwan Pandit, a 29-year-old school teacher, was arrested by the police in March 2019 at his home in the Awantipora village. According to media reports, Rizwan's brother stated that at the time of the arrest, the police assured his family he would be released soon.[339] While the police claimed that Rizwan was involved in a terrorist attack, his brother denied these allegations, asserting that Rizwan had no involvement in any such offences.[340] Rizwan died in custody a few days after his arrest. A post-mortem examination concluded that his death resulted from blood loss due to multiple injuries, including burn marks and other signs of torture.[341] The police promised to conduct an inquiry into the incident, but to date, there have been no reports of suspensions or prosecutions of the officers involved.

CASE STUDY: JAMMU AND KASHMIR

TORTURE AND DEATH OF KASHMIRI CIVILIANS

In August 2024, following a rebel attack that killed four Indian army personnel, the army arrested eight Kashmiri civilians in the Poonch District of Jammu and Kashmir. Among those arrested were Mohammad Showkat, 22, Safeer Hussain, 45, and Shabir Ahmad, 32, who died in custody likely as the result of torture, as evidenced by marks on their bodies.[342] The remaining five detainees had to be hospitalised after their release due to injuries sustained in custody. According to the daughter of one of the injured, the detainees were electrically shocked and had chilli powder inserted into their private parts. A video circulated on social media showed army personnel sprinkling chilli powder on the private parts of civilians lying on the ground.[343] Subsequently, the Indian Government offered jobs and monetary compensation to the families of the deceased, which was perceived as an insult to the relatives, who continue to demand justice for the killings.[344]

State Violence in Manipur

The northeastern border region of India, particularly Manipur, is marked by decades-long intercommunal tension between different ethnic and religious groups, coupled with State violence.[345] Manipur is home to a diverse range of ethnic groups, with the Meities – primarily Hindu –, and the Kukis and the Naga – primarily Christian – as dominant ethnic groups.[346] Similar to the context explained above in the section, 'India-Bangladesh Border (BSF Violence)', the Indian security forces have committed a wide range of human rights violations with impunity while acting under the

339 Aljazeera, Clashes in Kashmir after teacher dies in police custody, 19 March 2019.
340 Aljazeera, Clashes in Kashmir after teacher dies in police custody, 19 March 2019.
341 OHCHR, Update of the Situation of Human Rights in Indian-Administered Kashmir and Pakistan-Administered Kashmir from May 2018 to April 2019, 8 July 2019, p. 28; and First Post, Rizwan Pandit custodial death: State-appointed inquiry officer seeks report from J&K Police; family alleges 'severe torture', March 22 2019.
342 Aljazeera, Anger in Kashmir after Indian army accused of killing civilians in custody | Military News | Al Jazeera, 24 December 2023.
343 Aljazeera, Anger in Kashmir after Indian army accused of killing civilians in custody | Military News | Al Jazeera, 24 December 2023.
344 Aljazeera, Anger in Kashmir after Indian army accused of killing civilians in custody | Military News | Al Jazeera, 24 December 2023.
345 BBC, Manipur violence: What is happening and why, 20 July 2023.
346 AI, India: Authorities must uphold human rights and end violence in Manipur following Biren Singh's resignation, 11 February 2025.

AFSPA.[347] Impunity for human rights violations prevailed over decades and the investigation of violations has been limited, especially with the NHRC occasionally having been restricted from visiting detainees in Manipur.[348]

In 2012, the Extrajudicial Execution Victim Families Association brought a case before India's Supreme Court concerning 1,528 cases of extrajudicial killings allegedly carried out by the military, paramilitary, and security forces in Manipur from 2000 to 2012.[349] In a historic judgment in July 2017, the Supreme Court ordered the Director of the Central Bureau of Investigation to investigate at least 85 cases of extrajudicial killings, and held that the Manipur Police could not carry out impartial investigations as its own personnel were allegedly involved in some of the cases.[350] Although the Central Bureau of Investigation has launched investigations into the cases of extrajudicial killings, progress has been delayed, including due to a 2018 petition by 356 security and army officers challenging the inquiries.[351] Meanwhile, victims' families have faced harassment and retaliation.[352] In 2019, it was reported that the Central Bureau of Investigation had still not received the "prosecution sanction" from the Government, a legal prerequisite under Indian law for prosecuting public officials (see the following section of the report).[353]

In May 2023, violence between different ethnic groups, including the Meities and the Kukis, resulted in the burning and destruction of homes, shops, and places of worship, and the displacement of over 60,000 people by February 2025.[354] As of November 2024, over 258 people had been killed, roughly two-thirds of whom were Kukis.[355]

In 2023, reports emerged that victims of gang rape alleged police officers had witnessed the mob violence against them but failed to intervene.[356] The police also took no action when victims attempted to file complaints at the police station.[357] India's Supreme Court has since requested the State Government to explain the police's failure to register and investigate the complaints. It also ordered the Manipur police to provide records of actions taken in response to the more than 6,000 cases of violence, including sexual violence, registered since the violence began.[358]

In response to violence in this region, in 2023 UN experts expressed grave concern, particularly over "the gender-based violence targeting hundreds of women and girls of all ages, and predominantly of the Kuki ethnic minority".[359] They have also raised concerns about the misuse of counter-terrorism measures to justify acts of violence and repression against ethnic and religious minorities.[360]

347 OMCT, Historic Supreme Court case on extrajudicial killings in Manipur must be complied with, 26 September 2018.
348 US State Department, 2016 Report on Human Rights in India, 2016, p. 4; NHRC, NHRC issues notice to the Manipur Government seeking immediate removal of the arbitrary restrictions on access to Ms. Irom Sharmila, 30 October 2013.
349 HRW, India: Top Court Orders Manipur Killings Inquiry: Ensure Transparent Investigation, Repeal Armed Forces Special Powers Act, 15 July 2017.
350 International Commission of Jurists, India: authorities must fully investigate Manipur killings as ordered by Supreme Court, 30 July 2017.
351 OMCT, Historic Supreme Court case on extrajudicial killings in Manipur must be complied with, 26 September 2018.
352 OMCT, Historic Supreme Court case on extrajudicial killings in Manipur must be complied with, 26 September 2018.
353 OMCT, India: New Delays and Reprisals against victim families in Supreme Court ordered Investigations in Manipur, 31 January 2019.
354 AI, India: Authorities must uphold human rights and end violence in Manipur following Biren Singh's resignation, 11 February 2025.
355 BBC, Manipur violence: What is happening and why – BBC News, 20 July 2023. Also see the New Indian Express, 90 more CAPF troops to be deployed in Manipur; total death toll of ethnic violence at 258: State security advisor, 22 November 2024. Also see HRW, India: Renewed Ethnic Violence in Manipur State, 14 September 2024.
356 The Guardian, Modi speaks out after video of sexual assault on women in Manipur emerges, 20 July 2023.
357 BBC, Manipur women in naked assault video 'will not give up,' 10 November 2023.
358 BBC, Manipur: India's Supreme Court hears plea by women in viral assault video – BBC News, 31 July 2023.
359 OHCHR, UN experts: Manipur, 4 September 2023.
360 OHCHR, UN experts: Manipur, 4 September 2023.

LEGITIMISING TORTURE: THE NATIONAL LEGAL FRAMEWORK



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Police riot gear behind a barricade at a protest against India's New Citizenship Act in 2020. Excessive use of force was documented in policing peaceful assemblies in India, where authorities violently dispersed and intimidated protesters.

The effective incorporation of anti-torture standards into domestic law and their practical enforcement are essential to preventing torture and other ill-treatment. A robust legal framework not only deters abuses but also provides a foundation for accountability and reparation for survivors. India, however, has yet to ratify UNCAT, lacks a stand-alone anti-torture law, fails to criminalise torture in existing laws and fails to uphold basic safeguards for individuals deprived of liberty. Moreover, there are no laws or guidelines that adequately regulate the use of force by law enforcement, including in the policing of protests, in compliance with international standards. Finally, counter-terrorism legislation is frequently weaponised to suppress dissent and oppress minorities. These legal gaps create an environment where the practice of torture persists. This section explores some of the key shortcomings in India's legislative framework that contribute to the widespread use of torture by State authorities.

Failure to Ratify UNCAT and Criminalise Torture

Despite repeated calls from international bodies and States since it signed UNCAT in 1997, India has yet to ratify the treaty.[361] In July 2024, the HRCttee expressed regret over India's continued failure to do so,[362] and during India's fourth UPR in November 2022, 31 States recommended UNCAT ratification.[363] Yet, India remains one of 21 countries that have not ratified the treaty.

Even without ratifying UNCAT, India remains bound by the absolute prohibition of torture. This prohibition is a peremptory norm of customary international law, meaning it is binding on States regardless of treaty ratification.[364] The prohibition is non-derogable and cannot be justified under any exceptional circumstance, including war, threat of war, internal political instability, or any other public emergency.[365]

Beyond UNCAT, the prohibition of torture is expressly recognised in several international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), which has been ratified by India. However, India entered key reservations upon ratifying the ICCPR, preventing the HRCttee – the treaty's oversight body – from considering individual complaints, inquiries, or interstate communications regarding human rights violations.[366] Given the inadequacy of domestic accountability avenues, these reservations significantly limit victims and survivors' access to justice. India had made similar reservations when it signed UNCAT,[367] which experts have warned would limit the impact of future ratification.[368]

Despite agreeing to implement UPR recommendations to ratify UNCAT, the Indian Government has not done so, and has repeatedly attempted to justify its delay. In August 2022, India claimed that:

> The Law Commission of India has been examining the changes required in domestic law prior to carrying out the ratification process. However, the existing legal framework, such as the provisions under the Constitution of India, Indian Penal Code, and Code of Criminal Procedure among others, guarantees adequate protection against any form of torture and cruel, inhuman or degrading treatment or punishment.[369]

361 HRC, Report of the Working Group on the Universal Periodic Review, 17 July 2017, paras. 33, 161.5-29, and 161.74.
362 HRCttee, Concluding Observations 2024, 25 July 2024.
363 HRC, Universal Periodic Review of India, Fourth Cycle: Matrix of Recommendations, [n.d.]; The Leaflet, India's continued refusal to ratify UN Convention Against Torture lacks substance, 21 November 2022. See also: OHCHR, Observations in light of the outcome of the fourth cycle of the Universal Periodic Review, 17 July 2023, in which 30 States recommended UNCAT ratification to India in the 2017 UPR. see HRW, India: Key UN Rights Recommendations Ignored, 21 September 2017.
364 The Special Rapporteur on Torture (SRT), Juan E. Mendez, further acknowledged the peremptory status of 'cruel, inhuman or degrading treatment' in 2014 (see UN Human Rights Council (UNHRC), Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez – Mission to Ghana (Report of the SRT on Mission to Ghana), 5 March 2014, UN Doc. A/HRC/25/60/Add.1, para. 40). This status has been recognised by the Inter-American Court of Human Rights (see Lori Berenson-Mejía v. Peru, Case No. 119, 25 November 2004, para. 100) and in commentary on the Court's jurisprudence (see Association for the Prevention of Torture (APT) and Center for Justice and International Law (CEJIL), Torture in International Law: A guide to jurisprudence, 2008, p. 113).
365 UNCAT, art 2.2; CAT, General Comment No. 2, 24 January 2008, UN Doc. CAT/C/GC/2, para. 3; RIG, paras 9 and 11. See also HRCttee, General Comment No. 20: Article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment) (General Comment No. 20), 10 March 1992, para. 3.
366 UN, Treaty Body Database: Ratification Status of India, accessed 5 December 2024.
367 Law Commission of India, Implementation of UNCAT, October 2017, p. 4.
368 Nitya Ramakrishnan, In Custody: Law, Impunity and Prisoner Abuse in South Asia (SAGE Law), 10 April 2019, Chapter 2.
369 UN Human Rights Council Working Group on the Universal Periodic Review, India National report submitted pursuant to Human Rights council resolutions 5/1 and 16/21, Forty-first session, 17 August 2022, A/HRC/WG.6/IND/1, para. 54.

These justifications appear unfounded. As the violations documented in this report demonstrate, existing frameworks and their lack of enforcement have proven insufficient or inadequate in preventing and responding to torture. Instead, the Government's reluctance seems tied to a lack of political will, possibly stemming from its broader resistance to international scrutiny. This is evident not only in its reservations to the ICCPR but also in its longstanding refusal to allow independent examinations. The UN Special Rapporteur on Torture, for example, first requested a country visit in 1999 and has since sent at least eight follow-up requests – yet a response from the Indian Government is still pending.[370] As of May 2025, there is a total of 18 pending visit requests by UN human rights experts which received no response from the Indian Government.[371]

Lack of political will also appears to be a significant cause for the failure to adopt domestic legislation criminalising torture. The most significant effort came in 2010 with the Prevention of Torture Bill. The Bill was introduced to the Lok Sabha, the lower chamber of the Indian Parliament, on 26 April 2010 and subsequently passed to the Rajya Sabha, the upper chamber of the Parliament, where a majority of states/Union Territories expressed support to send the Bill to a Select Committee.[372] It was then referred to a Select Committee of the Rajya Sabh, which proposed several amendments.[373] However, the Bill ultimately lapsed with the dissolution of the Lok Sabha at the end of its term.[374]

In 2017, another attempt was made when a Private Member's Bill – also the Prevention of Torture Bill – was introduced in Parliament.[375] However, it failed to gain Government backing and was not enacted.[376]

The repeated failure to pass anti-torture legislation has been justified by claims that India's existing laws already provide sufficient safeguards. The Government has pointed to provisions in the Indian Penal Code, the Code of Criminal Procedure, and constitutional protections as evidence that a separate law is unnecessary.[377]

In 2023, three new criminal laws were enacted in India to replace colonial-era Acts, marking changes to the Indian criminal justice system. The Bharatiya Nyaya Sanhita (BNS) was enacted to replace the Indian Penal Code 1860; the BNSS was enacted in place of the Criminal Procedure Code 1973; and the Bharatiya Sakshya Adhiniyam (BSA) replaced the Indian Evidence Act 1872.

370 OHCHR, View Country visits of Special Procedures of the Human Rights Council since 1998, [n.d], see India, up to date as of 6 December 2024.
371 OHCHR, Country Visits of Special Procedures of the Human Rights Council, [n.d].
372 Rajya Sabha Select Committee, Committee Report Prevention of Torture Bill 2010, December 2010, p. iv.
373 The Select Committee identified several provisions that failed to meet UNCAT standards. For instance, the Bill narrowly defined the purpose of torture as solely to 'obtain a confession', overlooking other motives such as punishment, coercion, intimidation, or discrimination. It also imposed procedural barriers to accountability, requiring 'prior sanction' from the competent authority (state or central Government) before prosecuting perpetrators and limiting the timeframe for filing complaints to just six months. While the Select Committee recommended amendments, national experts and practitioner remained concerned that critical gaps and shortcoming remained unaddressed. See: Nitya Ramakrishnan, In Custody: Law, Impunity and Prisoner Abuse in South Asia, 2013, p. 62.
374 NHRC, Annual Report 2019-20, 2019, p. 40-41.
375 While this Bill expanded the definition of torture to recognise punishment, intimidation, or coercion as purposes for torture, it failed to acknowledge discriminatory torture, and did not address other issues such as the requirement of prior sanction to prosecution and the six month timeframe to report cases. See: Law Commission of India, Implementation of UNCAT, October 2017.
376 Other less prominent attempts to criminalise torture have also been unsuccessful, including the reintroduction of the Prevention of Torture Bill in 2018, proposals to amend the criminal code in 2020, and the Prevention of Torture and Atrocities (By Public Servants) Bill in 2021, with no updates on its progress. Another missed opportunity included the form of the old legislative framework for criminal law and procedure that had been in place since colonial times. See: NHRC, Annual Report 2019-20, [n.d], at [4.9-4.14]; National Campaign Against Torture, The indispensability of adding offences of torture in Indian Penal Code, 18 August 2020; The Polis Project, Judicial and administrative accountability in cases of custodial deaths in India (2015-2016), 2022; National Law School of India University, Bharatiya Nyaya Sanhita: Decolonising or Reinforcing Colonial Ideas, 25 January 2024. An earlier unsuccessful attempt included recommendations by National Commission to Review the Working of the Constitution to amend Article 21 of the Constitution to include a section on the prohibition of torture and cruel, inhuman or degrading treatment or punishment, which was never implemented. See: Department of Legal Affairs, Report Of The National Commission To Review The Working Of The Constitution, Volume I, Chapter 3: Fundamental Rights, Directive Principles And Fundamental Duties, at para. 3.9.
377 UN Human Rights Council Working Group on the Universal Periodic Review, India National report submitted pursuant to Human Rights council resolutions 5/1 and 16/21, Forty-first session, 17 August 2022, A/HRC/WG.6/IND/1, para. 54.

However, these reforms also failed to introduce a separate offence of torture. The BSA has been criticised for remaining very similar to the Evidence Act, and the BNS has received criticism for failing to ensure accountability for offences by public servants, among other serious shortcomings.[378] For instance, while the colonial offence of "sedition" has been removed, the corresponding provision in the BNS created a new, broader offence of sedition by a different name: "Act endangering sovereignty, unity and integrity of India".[379] This has led to the criminalisation of dissenters for acts "which may otherwise be non-criminal acts per se".[380] As explained in the next section, concerns were also raised regarding the BNSS.[381]

While India's Supreme Court has recognised that acts of torture violate the constitutional right to life and liberty (Article 21),[382] its domestic framework lacks a specific criminal offence for torture. Some acts that amount to torture can be prosecuted under other ordinary offences in the BNS, such as:

- voluntarily causing hurt or grievous hurt to extort confession or to compel restoration of property;[383]
- wrongful confinement to extort confession;[384] and
- "cruelty" against women (only if perpetrated by a woman's husband or a relative of her husband).[385]

Other acts can be prosecuted under Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act (2015), which provides for punishment for a number of acts if committed against a member of a Scheduled Caste or a Scheduled Tribe.[386]

However, the lack of a specific criminal offence of torture in India's legal framework prevents acts of torture from being properly characterised and treated with the appropriate seriousness. Lack of criminalisation also means that there are no official records of cases of torture, as outlined earlier in this report. Additionally, the definitions of "hurt" and "grievous hurt" have been open to various interpretations by courts and have been applied inconsistently. Without clear criminalisation, perpetrators face little accountability, and survivors are deprived of the appropriate reparations for torture, as required by international law.

In the context examined in this report, political resistance appears to have played a role, with concerns that a robust anti-torture law could expose law enforcement and security forces to greater scrutiny and accountability.[387] As a result, the Government has consistently avoided taking concrete steps toward criminalising torture, despite mounting evidence of its widespread use.

378 For a detailed explanation of the shortcomings of the new legal framework, see PUCL, Turning a De Facto Police Regime to a De Jure Police State: Critique of the 3 new Criminal Laws, 11 July 2024; see also HRW, World Report 2025: India, [n.d].

379 Bharatiya Nyaya Sanhita (BNS), 2023, s 152, Previously Indian Penal Code, s 124A. Also see Common Cause, Three New Criminal Laws, July-September 2024. See also, AI, India: Authorities must immediately repeal repressive new criminal laws, 1 July 2024.

380 Amnesty International, India: Authorities should immediately terminate 'unwarranted' investigation and release Professor Ali Khan Mahmudabad, 19 May 2025; Common Cause, Three New Criminal Laws, July-September 2024, p. 4.

381 Common Cause, Three New Criminal Laws, July-September 2024.

382 Law Commission of India, Implementation of UNCAT, October 2017, p. 37. See also the Supreme Court case of D.K. Basu v State of West Bengal 1997 1 SCC 416.

383 Bharatiya Nyaya Sanhita (BNS), 2023, s 120, Previously Indian Penal Code, s 330-331.

384 Bharatiya Nyaya Sanhita (BNS), 2023, s 126-127, Previously Indian Penal Code, s 348,s 503.

385 National Campaign Against Torture, The indispensability of adding offences of torture in Indian Penal Code, 18 August 2020, Bharatiya Nyaya Sanhita (BNS), 2023, s 80, Previously Indian Penal Code, s 498A.

386 CHRI, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 & Rules, 1995 As amended in 2015: a Guide, 2018. See also National Campaign Against Torture, The indispensability of adding offences of torture in Indian Penal Code, 18 August 2020.

387 The Leaflet, The lack of compulsion to prove wrongdoing beyond a reasonable doubt is at the heart of the security laws' enduring appeal, 10 November 2022.

Failure to Implement Legal Safeguards

International law and standards provide safeguards for individuals who are deprived of their liberty, which are key for both the administration of justice and torture prevention. UNCAT and relevant commentary show that observing the legal and procedural safeguards in the early hours and days of detention plays a crucial role in reducing the risk of torture.[388]

Indian legislation, including the BNSS (which replaced the Code of Criminal Procedure), contains numerous safeguards for those deprived of liberty. These include the right to access to legal counsel, the recording of arrests at police stations, the right to be informed of the reasons of the arrest and to have a family member or third person informed of such arrest and the place of detention, the right to an independent medical examination upon arrest, and the right to be brought before a magistrate within 24 hours of arrest.[389]

The Supreme Court of India has further developed safeguards to protect the rights of detained individuals. In response to multiple petitions challenging custodial deaths and torture in the past decades,[390] the Supreme Court issued several guidelines,[391] including a directive to install CCTV cameras in all police stations. While news reports indicate that, as of November 2024, many police stations in India have installed CCTV cameras,[392] the prevalence of cases of torture and extrajudicial killings in custody – as documented in this report – raises questions as to the full implementation and impact of this measure.

Additionally, the BNSS has been widely criticised for expanding police authority, weakening limits on police custody, and tightening bail provisions, thus undermining civil liberties and eroding safeguards against police excesses.[393] For instance, the BNSS no longer limits police custody to 15 days and allows it to be authorised at any point within the first 40 or 60 days of detention, rather than only within the first 15 days after arrest as under the previous Code of Criminal Procedure.[394] This change to police custody "provides a fertile breeding ground for torture and other ill-treatment".[395]

Despite the existence of some safeguards under national law, consultations by REDRESS with a number of expert lawyers and researchers in India reveal that the gap between the legal framework – including the new criminal laws – and the practice on the ground is vast. For instance, although a magistrate must inspect the process of initial arrest and decide whether further detention of the individual is justified, in practice, this safeguard has been hollowed out in substance by an overburdened magistracy who often fail to give the case before them, and the custodial documentation, sufficient scrutiny.[396]

388 UNCAT, art 11; CAT, Observations of the Committee against Torture on the revision of the Standard Minimum Rules for the Treatment of Prisoners, 28 March 2014, CAT/C/51/4.
389 Constitution of India, art 22; Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, ss 38, 47, 48, 53, 57, and 58 Previously India's Code of Criminal Procedure, 1973, ss 41D, 50-50A, 54.
390 Supreme Court Observer, Monitoring Custodial Violence, 14 July 2020; see also D.K. Basu v State of West Bengal 1997 1 SCC 416, Application for Directions on Behalf of the Amicus Curiae, Dr. Abhishek Manu Singhvi, 2020, p. 7.
391 Supreme Court Observer, Monitoring Custodial Violence, 14 July 2020.
392 Times of India, CCTV: Government Initiates Comprehensive CCTV Surveillance in 28 Police Stations to Enhance Accountability, 1 November 2024, Also see India Justice Report, Advancing Justice through Data, [n.d].
393 Common Cause, Three New Criminal Laws, July-September 2024; Aljazeera, Concerns as India replaces colonial-era laws with new criminal codes, 1 July 2024.
394 Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, s 187, Previously India's Code of Criminal Procedure, 1973, s 167.
395 AI, India: Authorities must immediately repeal repressive new criminal laws, 1 July 2024.
396 Deccan Herald, 'What did the Magistrate do in Sathankulam?', 29 July 2020.

The lack of implementation of such safeguards in practice has also been noted by UN bodies and experts. In 2024, the HRCttee expressed concern over reports of individuals being arbitrarily arrested or detained without police officers identifying themselves or presenting arrest warrants.[397] It also highlighted the limited access to legal aid for individuals accused of criminal offences, especially in police stations.[398] Further concerns included prolonged pre-trial detention, significant judicial delays and case backlogs, as well as inadequate access for detainees to medical services, family contact, legal counsel, and – for foreign nationals – diplomatic or consular assistance.[399] In 2024, UN experts called on India to review its rules and procedures related to arrests, interrogations, and detention.[400]

As another important safeguard against torture, international law prohibits the admission of evidence obtained through torture and ill-treatment in legal proceedings. This exclusionary rule aims to discourage the use of torture and undermines one of its frequent purposes: the extraction of confessions.[401] India's BSA (previously the Evidence Act) provides that confessions made to a police officer or in police custody without the presence of a Magistrate,[402] as well as confessions obtained through inducement or threat, are inadmissible in criminal proceedings.[403] However, this is not consistently observed in practice.[404] Moreover, other sections of the BSA are often used to circumvent these restrictions on admissibility.[405] For example, although Section 23 of the BSA renders confessions to police officers inadmissible, it permits the admission of material recovered as a result of such confession.[406] This has reportedly incentivised the use of torture to extract confessions,[407] a practice which has been further evidenced by many documented cases, including those featured in this report. Indeed, a 2017 study by the Centre on the Death Penalty at the National Law University, Delhi, interviewed former judges of the Supreme Court of India on the death penalty and, more broadly, the Indian criminal justice system. According to the study, "of the 39 former judges who discussed the prevalence of torture in the Indian criminal justice system, 38 believed it to be rampant".[408]

Law Governing Armed Forces Interventions

As explained in the 'Torture in Specific Regions' section of this report, individuals living in areas governed by special powers regimes given to the armed forces are particularly vulnerable to torture.[409] The AFSPA grants the armed forces extensive and unchecked powers to arrest, search, and use lethal force[410] in areas declared "disturbed" by state or central Governments. In addition, region-specific legislation such as the Armed Forces (Jammu and Kashmir) Special Powers Act mirrors and reinforces provisions of the AFSPA in specific territories.[411]

397 HRCttee, Concluding Observations 2024, 25 July 2024, para. 35.
398 HRCttee, Concluding Observations 2024, 25 July 2024, para. 35.
399 HRCttee, Concluding Observations 2024, 25 July 2024, para. 39.
400 OHCHR, Statement by UN Special Rapporteurs, Independent Experts and Working Groups, 7 March 2024.
401 REDRESS and Fair Trials, Tainted by Torture: Examining the Use of Torture Evidence, May 2018.
402 Bharatiya Sakshya Adhiniyam (BSA), 2023, s 23, Previously India's Evidence Act, 1872, s 25-26.
403 Bharatiya Sakshya Adhiniyam (BSA), 2023, s 23, Previously India's Evidence Act, 1872, s 24.
404 See National Law University, Delhi – Centre on the Death Penalty, Matters of Judgment, October 2017, pp. 26-34.
405 This was applicable under the Indian Evidence Act 1872 and continues to be applicable under the BSA.
406 Bharatiya Sakshya Adhiniyam (BSA), 2023, s 23, Previously India's Evidence Act, 1872, s 27.
407 Article 14, Police Torture and The Truth Machines of India, 10 August 2020; CNN, Indian police use violence as a shortcut to justice. It's the poorest who bear the scars, 3 December 2020. See Supreme Court of India, Criminal Appellate Jurisdiction, Ashish Jain v. Makrand Singh 2019 (3) SCC 770, 14 January 2019, paras. 21-22, noting that if a confessional statement "is made under undue pressure and compulsion from the investigating officer, as in the present matter, the evidentiary value of such a statement leading to the recovery is nullified".
408 National Law University, Delhi – Centre on the Death Penalty, Matters of Judgment, October 2017, p. 26.
409 AI, The Armed Forces Special Powers Act: A Renewed Debate in India on Human Rights and National Security, 24 June 2014.
410 The Public Sphere Journal of Public Policy, The Armed Forces Special Powers Act (AFSPA): Legal impunity to kill, 2022.
411 The Armed Forces (Jammu and Kashmir) Special Powers Act, 1990.

The designation of 'disturbed areas' is based on the Government's discretion, using overly broad and ambiguous criteria.[412] For example, in Jammu and Kashmir, the armed forces are granted sweeping powers on vague grounds of "preventing questioning the sovereignty of India", or "causing insult to the Indian flag".[413] This imprecise language can encompass a wide range of activities and has led to widespread violations of constitutional rights. As detailed in the section on 'Torture in Specific Regions', the AFSPA has enabled armed forces to carry out widespread killings and acts of torture with impunity.[414]

Under the AFSPA, any commissioned officer, warrant officer, non-commissioned officer, or equivalent rank, has the authority to use live fire against individuals violating bans on group gatherings.[415] The law also grants these officers power to destroy buildings, conduct warrantless arrests, and search properties without a warrant. The Armed Forces (Jammu and Kashmir) Special Powers Act also allows for the search and seizure of vehicles or vessels suspected of transporting suspects.[416]

For decades, national[417] and international human rights organisations,[418] national legislative committees, regional politicians,[419] legal cases, and national media[420] have sought to expose the harmful impact of these powers and advocate for the repeal of the AFSPA.[421] UN human rights mechanisms have also recommended the revision or repeal of the AFSPA.[422] While a number of AFSPA frameworks have been lifted fully or partially in some States, including in parts of northeastern states where it was initially imposed, these calls are yet to be fully considered by the Government.[423] For instance, in October 2024, the Government decided to extend the AFSPA for another six months in parts of Assam, where it has been in effect since 1990.[424] In November 2024, the application of the AFSPA was renewed by the central Government in parts of Manipur in response to ongoing intercommunal violence.[425]

In this context, accountability for violations committed by the armed forces remains extremely limited. Under Section 19 of the Protection of Human Rights Act 1993, the NHRC has limited powers to investigate abuses by the armed forces, thereby leaving these abuses even more likely to take place with impunity.[426] For example, in 2016, media reported that 32-year-old lecturer Shabir Ahmad Mangoo was beaten to death by the Indian army during a midnight raid on a village in Kashmir, in which 50 others reported serious injuries.[427] A police probe reportedly recommended prosecuting 23 army personnel involved. However, such prosecutions require prior Government sanction, which to our knowledge, has not been granted to date.[428]

412 The Armed Forces (Jammu and Kashmir) Special Powers Act, 1990.
413 The Armed Forces (Jammu and Kashmir) Special Powers Act, 1990.
414 Jammu Kashmir Coalition of Civil Society (JKCCS), Torture, 20 May 2019.
415 The Armed Forces (Jammu and Kashmir) Special Powers Act, 1990, s 4.
416 The Armed Forces (Jammu and Kashmir) Special Powers Act, 1990, s 4.
417 E-Pao, Convention on REPEAL AFSPA held at Delhi, 1 November 2015. See also, Times of India, Manipur Protest Against AFSPA on Human Rights Day, December 10 2024.
418 International Commission of Jurists, India: repeal Armed Forces Special Powers Act immediately, 05 November 2015. Also see HRW, India: Replace AFSPA with a better, rights-respecting law, 24 August 2014.
419 Times of India, Assam pol parties join demand for repeal of AFSPA, 6 December 2021.
420 The Hindu, For a full repeal: On AFSPA, 4 April 2022, see also NewsClick, Explained: Never-Ending Promises of AFSPA Revocation in J&K, 6 April 2024.
421 HRW, Getting Away with Murder 50 Years of the Armed Forces (Special Powers) Act, August 2008.
422 UN HRC, UPR 2022, para. 151.50, 151.51. Also see HRCttee, Concluding Observations 2024, para. 28.
423 First Post, Meghalaya welcomes Centre's move to repeal AFSPA from state, say militancy has 'by and large' been contained, 24 April 2018.
424 Times of India, Assam extends AFSPA in four districts citing 'recent disturbances in Bangladesh', 9 October 2024.
425 Indian Express, AFSPA back in 6 police station areas as Home Ministry concludes Manipur situation continues to be 'volatile', 15 November 2024.
426 NHRC, The Protection of Human Rights Act 1993, see s 19, p. 14.
427 NDTV, Protests In Kashmir As Man Dies Allegedly In Army Custody, 19 August 2016.
428 The Indian Express, J-K police seek sanction to prosecute 23 Army men for death of lecturer, 10 March 2018.

Anti-Terror Legislation

India's main federal counter-terrorism legislation is the UAPA, originally enacted in 1967, and subsequently amended in 2004, 2008, 2013, and 2019.[429] Before the 2004 amendment of the UAPA, counter-terrorism efforts were primarily governed by two laws: the Terrorist and Disruptive Activities (Prevention) Act (TADA) 1987 and the Prevention of Terrorism Act (POTA) 2002.[430] Both laws were criticised for enabling serious human rights violations during counter-terrorism operations. Although they were eventually repealed, many of their problematic provisions have been reintroduced through the amendments to the UAPA.[431]

The UAPA contains vague and overly broad provisions that enable human rights violations including custodial torture, by allowing arbitrary arrests and prolonged detention under loosely defined circumstances.[432] Individuals can be detained for engaging in activities categorised as "unlawful" or for "unlawful association". Unlawful activities may include expressing support for secession, engaging in conduct deemed to question or disrupt or to intend to disrupt the sovereignty and territorial integrity of India, or "which causes or is intended to cause disaffection against India".[433] These provisions lead to abuse and have been used to criminalise protected speech and dissent, as discussed earlier in this report.

Initially, the UAPA criminalised groups or organisations associated with "unlawful activities" that undermine the State's sovereignty and security, or those labelled as "terrorist organisations", with individuals prosecuted based on their alleged affiliation.[434] However, a controversial 2019 amendment expanded the law's scope by allowing the Government to designate individuals – not just organisations – as "terrorists", further eroding safeguards against arbitrary arrest and detention.[435]

The UAPA also permits prolonged pre-trial detention. Individuals arrested under the UAPA are subject to different custodial rules than those under ordinary criminal law. The UAPA extends time limits on judicial custody during pre-trial investigations, which in some cases can be extended up to 180 days, compared to the 90 days limit under the BNSS.[436]

The UAPA also imposes highly restrictive bail conditions that effectively deny suspects the possibility of release. The power of magistrates is severely curtailed, and individuals charged under the UAPA are frequently denied bail by the High Court.[437] In *Gurvinder Singh v. State of Punjab,* a case concerning the detention of a Sikh activist, the Supreme Court reaffirmed that "jail is the rule, bail is the exception" under the UAPA,[438] a principle that contradicts international standards.[439] In May 2017, the Law Commission of India cautioned against the abuse of UAPA bail

429 Supreme Court Observer, Brief History: Challenges to the UAPA, 11 May 2020.
430 Supreme Court Observer, Constitutionality of UAPA Amendment, last updated 28 January 2025.
431 PUCL, UAPA: Criminalising Dissent and State Terror, 28 September 2022; See also Polis Project, The terror of an anti-terror law in India: A short story of the Unlawful Activities Prevention Act, 9 February 2023.
432 Government of India, Unlawful Activities Prevention Act 1967, ss 43 (A), 43 (D).
433 Government of India, Unlawful Activities Prevention Act 1967, s 2(o)(iii).
434 HRW, India: Serious Concerns Raised at UN Rights Review, 18 November 2022.
435 Government of India, Unlawful Activities Prevention Act 1967.
436 Government of India, Unlawful Activities Prevention Act 1967, s 43D.
437 Bail will not be granted if there are 'reasonable grounds for believing' that the accusation is 'prima facie' true, which in practice has been very difficult to overcome for those seeking bail. The Supreme Court has interpreted this to mean that the evidence collated by the investigating agency in the first information report must prevail until contradicted and overcome or disproved by other evidence by the detainee (see Union of India v. Barakathullah 2024 INSC 452 at para. 9; and National Investigation Agency v. Zahoor Ahmad Shah Watali 2019 (5) SCC 1). Concerningly, this shifts the burden of proof to the defendant.
438 PUCL, "Jail, not Bail": Is the SC setting the clock back?, 20 February 2024.
439 ICCPR, 16 December 1966, art 9(3).

requirements for political purposes, warning that "[d]enial of bail should not be used as a potential tool of manipulation to legitimizing actions of the State",[440] and calling for minimisation of "[u]nnecessary pre-trial confinement".[441] In addition, the UAPA impedes efforts to hold officials accountable for human rights violations, including torture.[442]

Given its expansive powers and procedural deviations from ordinary criminal law, the UAPA has become a key legal instrument underpinning bogus criminal prosecutions, in which, as observed by the former Supreme Court judges, "the process is itself a punishment".[443] As demonstrated in the 'Torture against Dissenters' section above, human rights defenders, journalists and members of civil society have been subjected to criminal prosecutions and prolonged pre-trial detention under the UAPA in the past decade.[444]

In 2021, UN experts expressed concerns over the UAPA's use to target human rights defenders and restrict civil society.[445] In India's fourth UPR in 2022, several States expressed concern "that the application of anti-terrorism legislation had led to detentions of human rights defenders".[446] The HRCttee has also called on India to review the UAPA in line with its obligations under the ICCPR.[447]

In 2022, 13 human rights organisations called for the repeal of the UAPA following the custodial death of human rights defender Father Stan Swamy in 2021, which was discussed in the 'Torture against Dissenters' section of this report.[448] Similar calls were made in 2024 in the aftermath of national elections.[449] In February 2025, the Supreme Court directed High Courts across the country to expeditiously consider constitutional challenges to the UAPA and its amendments.[450] However, despite repeated calls for reform, the UAPA remains unchanged and in force.

Alongside the UAPA, other legislation in India also facilitates torture and other human rights violations. The Maharashtra Control of Organized Crimes Act, initially enacted in 1999 in the state of Maharashtra and later extended to apply to the National Capital Territory of Delhi,[451] permits the admissibility of confessions made to police officers and prohibits anticipatory bail for six months – provisions that facilitate custodial abuse.[452] Similarly, the National Security Act and the Public Safety Act authorise prolonged detention without trial, and have reportedly been used to silence dissent.[453] The 2002 Prevention of Money Laundering Act has also been reportedly weaponised against civil society actors, "to attack, intimidate and harass human rights defenders, activists and non-profit organizations by supplementing the charges under [the Foreign Contribution (Regulation) Act], seizing their properties, and burdening them with stringent bail conditions".[454]

440 Law Commission of India, Amendments to Criminal Procedure Code, 1973 – Provisions Relating to Bail, May 2017.
441 Law Commission of India, Amendments to Criminal Procedure Code, 1973 – Provisions Relating to Bail, May 2017 at para. 12.2.
442 Government of India, Unlawful Activities Prevention Act 1967, s 49 which prohibits prosecution of military personnel carrying out an operation with the aim of 'combating terrorism', without the option for the state to permit a prosecution.
443 Law Chakra, Ex SC Judge-Justice Madan B Lokur: "In our criminal justice system, the process is the punishment," 10 July 2024; Also see Project 39A, Crime, Punishment and Justice in India: The Trajectories of Criminal Law, 2018.
444 For a more in-depth discussion of the UAPA and anti-terror legislation more broadly, see PUCL, UAPA: Criminalising Dissent and State Terror, 28 September 2022.
445 OHCHR, UN experts urge Indian authorities to stop targeting Kashmiri human rights defender Khurram Parvez and release him immediately, 22 December 2021. Also see Deutsche Welle, India: UN slams anti-terror laws, 6 December 2021.
446 UN HRC, UPR 2022, United States response at p. 7.
447 HRCttee, Concluding Observations 2024, 25 July 2024.
448 AI, India: A year on, demand for justice for Father Stan Swamy's death in custody – Amnesty International, 5 July 2022.
449 Frontline, SC advocates call for a repeal of UAPA over misuse and rights violations, 20 May 2024.
450 Rakia Imran, Supreme Court Permits High Courts to Scrutinize UAPA Amendments, 6 February 2025; Supreme Court Observer, Constitutionality of UAPA Amendment, 28 January 2025.
451 The Maharashtra Control Of Organised Crime Act, 1999 [Delhi Extension] Act 30 of 1999, 24 April 1999.
452 The Advocates for Human Rights, Joint Stakeholder Report on India for 27th Session of the Working Group on the Universal Periodic Review, September 2016, para. 37.
453 HRC, Written statement submitted by World Muslim Congress, a non-governmental organization in general consultative status, 28 February 2024, UN Doc A/HRC/55/NGO/208, p. 2.
454 AI, India: Stop Abusing Counterterrorism Regulations, 3 November 2023.

IMPUNITY FOR TORTURE



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The Indian Supreme Court has recognised that a culture of impunity for torture is deeply rooted in the Indian military and police forces.

As illustrated in this report, a culture of impunity for torture and other serious human rights violations is deeply rooted in the Indian military and police forces. This is recognised by the Supreme Court of India, UN treaty bodies and special procedures, and civil society.[455] This culture persists partly because State authorities rarely face accountability for acts of torture and ill-treatment. Impunity is reinforced due to ineffective investigations, reprisals against those who report abuses, and legal immunities granted to State officials. This section explores how India falls short of international legal standards on the effective investigation and prosecution of torture, necessary to hold perpetrators accountable and to eradicate this crime.

455 Munshi Singh Gautam (D) & Ors. v. State of M.P. 2005 (9) SCC 631; OHCHR, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns, 26 April 2013; HRCttee, Concluding Observations 2024; Common Cause, Status of Policing in India Report 2025, March 26, 2025; OMCT and MASUM, India: The Killing of Jahanur Haque: Impunity Prevails in West…, 2 May 2025. See also HRW, "Bound by Brotherhood" India's Failure to End Killings in Police Custody, 19 December 2016.

Lack of effective investigations

Under international law, States have a duty to conduct investigations wherever there are reasonable grounds to believe that an act of torture has been committed in their jurisdiction, whether in response to a complaint or on their own initiative.[456] This obligation is twofold: it consists both in the right to lodge a complaint with competent authorities and in the right to have that complaint investigated promptly and impartially. Despite its duty to investigate under the ICCPR, and the existence – in principle – of multiple mechanisms for individuals to lodge complaints against State officials, in practice, Indian authorities routinely fail to adequately investigate allegations of torture and other grave human rights violations.[457]

Failures regarding First Information Reports

The police, responsible for investigating allegations of criminal offences under their jurisdiction,[458] are required to register a First Information Report when a complaint is lodged. Replacing the old Code of Criminal Procedure, the BNSS aimed to facilitate the filing of First Information Reports by introducing "ZERO FIR" and "e-FIR" procedures, which allow victims to file such reports at any police station regardless of jurisdiction, or electronically via emails, portals, or mobile apps – although in-person confirmation is still required.[459]

Nonetheless, police authorities persistently resist, delay, or completely fail to register First Information Reports, without which investigations do not proceed.[460] For instance, as noted by the HRCttee in 2024, reports highlighted that "out of the 1,528 documented instances of extrajudicial killings in Manipur from 1979 to 2012, only 39 First Information Reports were registered".[461] This has been a long-standing pattern across the country, as documented by CSOs and illustrated in case studies in earlier sections of this report.[462] In fact, research by CHRI on complaints brought to Police Complaints Authorities revealed that a significant proportion of complaints against police personnel concern precisely the failure to register First Information Reports, with this issue reflecting the second largest category of complaints in Assam.[463]

CASE STUDY: REFUSAL TO REGISTER TORTURE CASE

DINAKRISHNA THAKUR

An emblematic case is that of Dinakrishna Thakur, an artist and social activist from the Scheduled Caste community of Paundro. In February 2024, he was severely beaten by a group of 35-40 individuals and then further assaulted by the police whilst being insulted with caste-based slurs. As a result, he suffered

456 UNCAT, arts 12 and 13.
457 International Covenant on Civil and Political Rights, 16 December 1966, Art. 2(1). See for further commentary General comment No. 31 (2004).
458 Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, Chapter XIII.
459 Common Cause, Three New Criminal Laws, July-September 2024, p. 5-6.
460 HRCttee, Concluding Observations 2024, 25 July 2024, paras. 15 and 29.
461 HRCttee, Concluding Observations 2024, 25 July 2024, para. 29.
462 HRW, Bound by Brotherhood: India's Failure to End Killings in Police Custody, 19 December 2016.
463 CHRI, Police Complaints Authorities in India, 2023, p. 5.

serious injuries, including long-term damage to both ears. When Dinakrishna attempted to report the torture at Bakultala police station, police authorities refused to file a First Information Report, claiming that it should be filed at the Joynagar police station, which had jurisdiction.[464] Later, when Dinakrishna sent a family member to file the complaint at Joynagar, a Sub-Inspector at the station refused, destroyed the family's vehicle, and denied them access to their home. A First Information Report was eventually filed, but it omitted key details, including Dinakrishna's caste status.[465]

This resistance or failure by police authorities to register such reports may be partly explained by their perception of complaints against their personnel. As documented by Common Cause, interviews with police officers across the country revealed that "one-third of the police personnel strongly believe that complaints against the police are false and frivolous, while another 42 percent somewhat agree with the statement".[466] Additionally, 29% of police officers interviewed "strongly believe that a majority of the complaints filed against police are politically motivated, while a little more than one-thirds (36%) said they somewhat agree with this".[467]

Lack of impartiality, promptness, and effectiveness

Even when First Information Reports are registered, despite legal provision for the completion of investigations without unnecessary delays,[468] investigations are often delayed or inadequately conducted. In fact, the issue of inadequate investigations into State violence has prompted the Supreme Court and the NHRC to issue several guidelines in the past decades, including for cases of custodial deaths and extrajudicial killings.[469] As recalled by the Supreme Court, "the atrocities within the precincts of the police station are often left without any ocular or other direct evidence to prove who the offenders are".[470] This underscores the critical need for adequate documentation of torture and custodial deaths, as well as the importance of effective and impartial investigations.

Numerous concerns have been raised about the dual role of local police as both the perpetrators and initial investigators.[471] This lack of independence, not only violates principles of international law, but also significantly undermines investigations in practice.[472] For instance, NGOs have documented police interference with post-mortem examinations in cases of custodial deaths, which could otherwise provide crucial evidence of State abuse. In some instances, the police conducted autopsies and immediately cremated the victim's body before the family was given

464 Bogus jurisdictional issues are commonly used as a reason for not filing the FIR despite the Supreme Court as far back as 1993 mandating that police must record information regardless of location and deal with jurisdictional issues afterwards by forwarding the information to the relevant police station. See the case of State of Andhra Pradesh v. Punati Ramulu and Others 1994 SCC (SUPP) 1 590 at para. 4.
465 Masum, Monthly Report, March 2024.
466 Common Cause, Status of Policing in India Report 2025, Police Torture and (Un)Accountability, 2025, p. 127.
467 Common Cause, Status of Policing in India Report 2025, Police Torture and (Un)Accountability, 2025, p. 127.
468 Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, s 193.
469 D.K. Basu v State of West Bengal 1997 1 SCC 416; People's Union for Civil Liberties vs Union of India (UOI) and Ors 1997 (3) SCC 433; People's Union of Civil Liberties vs State of Maharashta 2014 (10) SCC 635. For NHRC Guidelines on Extrajudicial Killings, see Youth for Human Rights Documentation, Extinguishing Law & Life, October 2021.
470 Supreme Court of India, State of Madhya Pradesh v. Shyamsunder Trivedi and Ord 1995 (4) SCC 262, 9 May 1995.
471 Jus Corpus Law Journal, The Need for Independent Investigation in India: Police Brutality and the Law, 27 February 2017. See also Verdictum, State Police Shielding Their Own Fellow Policemen: Supreme Court Orders CBI Probe Into Custodial Death, 16 May 2025.
472 UNCAT, art 12.

the opportunity to see it.[473] Additionally, medical personnel have reported facing limited career prospects if they refuse to falsify reports in so-called "fake encounter" cases.[474]

In a rare example of accountability, in 2024, an Indian Court found police officers responsible for the custodial death of Mahendra Rathod, and highlighted issues during the investigation. According to the Court, following Mahendra's death in police custody in Bengaluru in 2016, authorities did not recover or seize the instruments used for torture, failed to collect CCTV footage, and manipulated the case diary and arrest records. Nonetheless, the Court was able to hold the responsible police officers accountable, relying in part on other evidence, including a medical report which documented the injuries suffered by the victim.[475]

Additionally, while this may not be the case in every instance, documented examples show that investigations into torture or other grave violations often fail to progress, unless they are actively monitored and driven forward by a lawyer or an NGO.[476] In several cases, legal representatives or NGO members have had to seek court orders to compel the police to act.[477] However, such intervention is not possible in a significant number of cases, as victims and their families may not have access to a local NGO or legal aid lawyers.[478] This highlights the crucial role that sustained oversight of investigations and pressure play in ensuring accountability, but also the need to ensure systemic reforms to ensure investigations are carried out promptly and effectively.

In response to some of these issues, the Law Commission of India recommended introducing a reverse burden of proof in cases involving injury or death in custody.[479] This approach would allow courts to presume that the harm was caused by the authorities, shifting the burden onto the authorities to prove that the individual was not subjected to torture or ill-treatment. The recommendation aligns with the Minnesota Protocol, which affirms that due to "the control exercised by the State over those it holds in custody, there is a general presumption of state responsibility in such cases".[480] However, the Law Commission's recommendation has not yet been adequately implemented.[481]

Given the frequent failure of local police to effectively investigate cases of torture, Indian courts have, in some cases, directed the Central Bureau of Investigation to investigate allegations of police violence.[482] However, concerns have also been raised about the Central Bureau of Investigation's independence, particularly in light of allegations that the current Government has used the agency to harass and intimidate human rights defenders through politically motivated investigations.[483] The Supreme Court has also cautioned that relying on the Central Bureau of Investigation to compensate for inadequate local police investigations is not a sustainable solution.[484]

473 People's Watch, Report – Vignesh Custodial death_0.pdf, 22 April 2022, p. 30; for another case of pre-emptive cremation, see National Campaign Against Torture, Annual Report, 18 March 2020, p. 177 of theof the. See also the case of Salini v. The District Collector WP(MD).23672/2024.

474 Dr Brahma Deo v. Mr Vijay Sampla And Others CONT.CAS(C) 1043/2022, CM APPL. 26408/2023, para. 4.

475 State of Karntaka v. Ejaj Khan and ors SC No.1723/2019. Also see Discourse of Development, Justice Served: Police Officers Jailed for Custodial Death, 27 November 2024.

476 MASUM, Annual Report 2023, p. 25.

477 See for example People's Watch, Writ Petition before Madurai Bench of Madras High Court, 16 October 2020, seeking a proper post-mortem of an alleged torture victim. See also the petition before the High Court of Allahabad to pre-emptively ask the court to retain CCTV, People's Watch, Chand (Patrakar) And Another Respondent v State Of U.P. And 2 Others CRIMINAL MISC. WRIT PETITION No. – 16809 of 2024, at para. 1. When the investigation is completed, courts, in some cases, also have to order the production of the final charge sheet, a document which begins criminal prosecutions.

478 The Wire, Caste Bias and Gender Gaps: 2025 India Justice Report Highlights Key Failures of the Legal System, 16 April 2025.

479 Law Commission of India, Implementation of UNCAT, 27 October 2017, para. 7.5.

480 UN OHCHR, The Minnesota Protocol, 2016.

481 Nitya Ramakrishnan, In Custody: Law, Impunity and Prisoner Abuse in South Asia, May 2013, p. 32.

482 India Today, Tuticorin custodial deaths: Father-son duo brutally tortured, made to clean their own blood, says forensic report, 27 October 2020. See also, Bar and Bench, Man picked up at haldi ceremony, tortured and killed in police custody: Supreme Court orders CBI probe, 20 May 2025.

483 HRW, India: Laws Misused to Crack Down on Peaceful Dissent: Raids on Activists, Blocking of Online Criticism, 08 February 2024.

484 Supreme Court of India, The State of West Bengal v. Rebeka Khatun Molla (Crl.) No.15481/2024at para. 5. Also seeVerdictum, RG Kar Protests| SC Orders SIT Probe Into Alleged Custodial Torture Of Woman In Kolkata, Modifies Calcutta HC's CBI Directive, 25 November 2024.

Investigations by other bodies are also possible. For instance, magistrates have the authority to order investigations into complaints against public servants.[485] The Supreme Court, Union and state Government may also direct the formation of Special Investigation Teams to investigate serious crimes, particularly where there are concerns about the impartiality, adequacy, or effectiveness of standard investigations.[486] These teams have commonly handled high-profile cases involving corruption, communal violence, or other matters of national or public interest.[487] For example, Special Investigation Teams have been formed to investigate "the anti-Sikh riots of 1984, the 2002 Gujarat riots, fake vaccines during COVID-19, and as an oversight body to monitor tax evasion".[488]

Additionally, in cases of death, disappearance, or rape in police or judicial custody, an inquiry by a magistrate is mandatory – regardless of any investigation carried out by the police.[489] Yet, in practice, such inquiries do not always take place. As recently reported, available data from the NCRB reveals that between 2018 and 2022:

> [J]udicial inquiries were ordered in less than half of the cases of deaths in police custody (…). As of 2022, the legal mandate of having a judicial inquiry into cases of deaths in police custody was not followed in nearly two-thirds of the cases. Further, in more than twenty percent of the cases of deaths in police custody, neither judicial nor magisterial inquiries, i.e., no kind of inquiry was held.[490]

Experts have also raised concerns that, under the BNSS, judicial magistrates no longer have the authority to lead such inquiries, leaving this responsibility to executive magistrates, sub-divisional magistrates and district magistrates. This change has been criticised for undermining independent oversight, as executive magistrates are part of the State administration and may lack the necessary impartiality to investigate police abuse.[491]

Weak external complaints bodies

In India, several external bodies have been established to – among other things – address human rights violations, particularly those related to abuses committed by State authorities. Among these, the Police Complaints Authorities, the NHRC, and SHRCs, are mandated to investigate misconduct of law enforcement agencies. However, the effectiveness of these institutions in ensuring accountability and protecting individual's rights has been repeatedly questioned. The creation of Police Complaints Authorities was directed by the Supreme Court in a landmark 2006 judgment on police reforms. The Court recommended the establishment of Police Complaints Authorities at both state and district levels to investigate allegations of "serious misconduct" by police personnel, including custodial deaths, grievous hurt, and rape in police custody.[492] The overarching goal of these bodies was to provide an independent mechanism for individuals to report and seek redress for police misconduct.

485 Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, s 175(4).
486 Supreme Court Observer, Special Investigation Team (SIT), [n.d].
487 Juristic Info, Special Investigation Team (SIT): How it Works and Its Duties and Responsibilities, 14 January 2025.
488 Supreme Court Observer, Special Investigation Team (SIT), [n.d].
489 Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, s 196(2); LiveLaw, Custodial Deaths: What Is The Procedure For Inquiry?, June 28 2020.
490 Common Cause, Status of Policing in India Report 2025, Police Torture and (Un)Accountability, 2025, p. 166.
491 Project 39A, Annotated Comparison, 2023, p. 64-65. The 2020 submission to the Supreme Court, looking to revisit the D.K Basu judgment, similarly expressed serious doubts about the impartiality and fairness of investigations carried out by executive magistrates. See D.K. Basu v State of West Bengal 1997 1 SCC 416.
492 CHRI, Government Compliance With Supreme Court Directives on Police Reforms, Assessment, September 2021. See also Prakash Singh & Ors vs Union Of India And Ors WP (C) 310 (1996). This directive was regulated by the Model Police Act, first enacted in 2006, and updated in 2015. State-level Police Complaints Authorities (PCAs) are responsible for investigating allegations involving officers of and above the rank of Superintendent of Police; while district-level PCAs are responsible for those involving officer of and below the rank of Superintendent of Police.

However, a 2023 report from the CHRI reveals that the establishment of Police Complaints Authorities has had minimal impact on police accountability, nearly 15 years after their inception. The report highlights that less than half of India's states and Union Territories have operational Police Complaints Authorities, and the independence of these bodies is frequently undermined by the involvement of serving police and Government officials in their operations.[493] As of 2021, "only 8 states retain an impartial selection processes to appoint independent members to state Police Complaints Authorities (PCAs), and only 5 for district PCAs".[494] Alarmingly, as of September 2023, out of the 11 operational Police Complaints Authorities, at least nine are composed by serving Government or police officers, and only one has independent civil society representation, free from political affiliations.[495] This lack of independence is exacerbated by the fact that only two state Police Complaints Authorities have established a separate investigation department to support inquiries. Consequently, the majority of such bodies rely "on the state police department itself to inquire into complaints of misconduct against its own personnel".[496]

Additionally, the threshold adopted in practice for complaints to be accepted by Police Complaints Authorities is notably narrow, resulting in a significant number of allegations going unaddressed. For instance, despite thousands of complaints lodged in Delhi, only 17 resulted in recommended actions against police officers.[497]

Another relevant body is the NHRC, established with a crucial mandate to safeguard human rights in the country. It is mandated to promote human rights, visit detention centres to assess conditions and make recommendations to the Government, and to investigate human rights violations by a public servant or negligence in the prevention of such a violation.[498] Upon its consideration and examination of complaints, the NHRC can recommend prosecutions of officers allegedly involved in such abuses, and order compensation for victims and their families.[499]

In practice, the NHRC has faced substantial criticism for its ineffectiveness. During the period of 2014 to 2022, the NHRC received over 20,000 complaints of deaths in custody, yet it recommended compensation to victims in only 995 cases, suggested disciplinary action in a mere 28 instances, and did not recommend any prosecutions of responsible police officers.[500] This stark discrepancy raises serious questions about the NHRC's commitment and ability to advance accountability. Notably, the NHRC lacks the authority to enforce its recommendations, including those granting compensation, which further limits its impact on ensuring justice for victims of human rights abuses.[501] This issue is exacerbated by the NHRC's almost complete lack of power to address violations by armed forces.

As mentioned earlier in this report, regarding allegations of abuses by armed forces, the NHRC can only seek a report from the Government on a particular situation and make recommendations based on that report, but it is not authorised to conduct its own investigation.[502] This limitation particularly affects states under heightened military activity, such as Jammu and Kashmir, northeastern states, and Chhattisgarh, as well as areas where armed forces are frequently deployed to conduct specific operations.

493 CHRI, Police Complaints Authorities in India, 2023, these organisations were set up on the direction of the Supreme Court in Prakash Singh & Ors vs Union Of India And Ors WP (C) 310 (1996).
494 CHRI, Government Compliance With Supreme Court Directives on Police Reforms, Assessment, September 2021.
495 CHRI, Police Complaints Authorities in India, 2023.
496 CHRI, Police Complaints Authorities in India, 2023, p. 5-6.
497 CHRI, Police Complaints Authorities in India, 2023, p. 5.
498 The Protection of Human Rights Act 1993, amended in 2006, s 12.
499 The Protection of Human Rights Act 1993, s 18.
500 These figures take the total number of complaints regarding custodial death in which the NHRC had recommended an award of compensation, as recorded in the following sources: Annual Report 2021-22; Annual Report 2019-20; Annual Report 2018-19; Annual Report 2017-2018; Annual Report 2016-2017; Annual Report 2015-2016; Annual Report 2014-2015; Annual Report 2013-2014.
501 The Protection of Human Rights Act 1993, 8 January 1994, at s18.
502 The Protection of Human Rights Act 1993, 8 January 1994, at s19.

The Global Alliance of National Human Rights Institutions has criticised the NHRC and deferred accrediting it three times since 2016. Recently, in March 2025, it recommended that the NHRC be downgraded from category "A" (fully compliant with the Paris Principles) to "B" (partially compliant). According to reports, the Global Alliance of National Human Rights Institutions expressed concern about "the involvement of police officers in investigations, lack of pluralism in the Commission's composition, opaque selection and appointment processes, inadequate response to systemic human rights violations, and poor cooperation with civil society".[503] It particularly criticised the lack of impartiality in investigations, which affect "the ability of victims to access human rights justice".[504]

Finally, at the state-level, SHRCs were established with a similar mandate to promote human rights and address violations. However, similar issues have been raised in relation to these bodies. Reports account that they are often understaffed,[505] and slow and ineffective in contributing to accountability for human rights violations.[506] As a stark example of protracted investigations, in 2021, People's Watch documented a case where the SHRC in Tamil Nadu took ten years to make a recommendation of compensation to a victim of custodial rape. Identifying systemic issues, the NGO called for the reform of SHRCs.[507]

Reprisals against complainants

Under international law, including the ICCPR, India has an obligation to ensure that individuals who report acts of torture or other human rights violations are protected against any ill-treatment or intimidation resulting from their complaint or any evidence they provide.[508] This protection against reprisals is essential to enable victims and witnesses to safely lodge complaints and participate in accountability processes. Without such safeguards, the risk of retaliation can seriously undermine efforts to address impunity.

In principle, the high number of complaints lodged against police officers with Police Complaints Authorities – where such bodies are established and functioning – could suggest that more victims in India feel comfortable to report violence or abuse.[509] However, these mechanisms remain limited in coverage and effectiveness across the country, and therefore may not reflect the experiences of all, or even most, victims of torture or other serious human rights violations. In fact, incidents of harassment and threats against complainants indicate that reprisals against complainants are not isolated occurrences.[510] As noted by the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence in 2021:

> In India, police have reportedly harassed and threatened victims in order to interrupt legal proceedings, and the justice system, which is prone to structural prejudice against certain minorities and

503 The News Minute, Explained: Why India's NHRC faces a downgrade from 'A' to 'B' status, 28 April 2025; GANHRI, Accreditation status as of 20 November 2024, p. 7; The Wire, India's National Human Rights Commission Faces 'Historic' Downgrade as UN-Linked Body Flagd Govt Interference, 28 April 2025.
504 The News Minute, Explained: Why India's NHRC faces a downgrade from 'A' to 'B' status, 28 April 2025. GANHRI, Accreditation status as of 20 November 2024, 20 November 2024, p. 7.
505 NHRC, State Human Rights Commissions, 17 December 2024.
506 The Wire, Nearly 1 in 2 Positions Are Vacant in India's State Human Rights Commissions: Report, 4 April 2023.
507 People's Watch, Rights forum welcomes Tamil Nadu SHRC's order recommending compensation to sexual assault victim, 24 December 2021.
508 ICCPR, art 2(3).
509 Commonwealth Human Rights Initiative, Police Complaints Authorities in India, 2023, p. 5.
510 MASUM, Monthly Report September 2024, [n.d], p. 3; MASUM, Monthly Report June 2024, [n.d], p. 3-4; People's Watch, Brutal torture in Thoothukudi against the auto driver Habeeb, 24 February 2024; OMCT, India: The family of a torture victim is punished and silenced under security laws, 15 November 2023; HRW, How the Police Pressured a Young Woman into Taking Back Her Rape Complaint, 8 November 2017.

> suffers from excessive bureaucracy, has not brought legal proceedings against the suspected perpetrators of the events that occurred in Manipur, Jammu and Kashmir or punished them accordingly.[511]

For example, in January 2024, the NGO MASUM documented a case of torture committed against Mabiya Katun by the BSF in West Bengal. On her way to a mosque, Mabiya was beaten and verbally abused by BSF personnel in front of her young daughter. Although the police took her to a hospital, they warned her against filing a complaint and threatened to fabricate a drug-related charge if she reported the incident.[512] In another reported case, police tortured the organiser of an event calling for the suspension of officers involved in the torture and murder of a 30-year-old man. This person was subjected to caste-based abuse and beatings with a lathi. His jaw was reportedly broken as a result of the beating. He also had an FIR registered against him, but it was quashed by the court after intervention by CSOs.[513]

In a separate case, in 2020, Habeeb Mohamed reported having been severely beaten by six police officers at the Arumuganeri police station in Tamil Nadu. When he sought medical treatment and explained the cause of his injuries, police officers came to the hospital, threatened him against seeking further treatment elsewhere, and warned him that false criminal charges would be filed if he reported the torture.[514]

CASE STUDY: POLICE REPRISAL FOR REPORTING TORTURE

YUNUS SHAH

An emblematic case is that of Dinakrishna Thakur, an artist and social activist from the Scheduled Caste community of Paundro. In February 2024, he was severely beaten by a group of 35-40 individuals and then further assaulted by the police whilst being insulted with caste-based slurs. As a result, he suffered serious injuries, including long-term damage to both ears. When Dinakrishna attempted to report the one family member was given electric shocks to the ears and head and was later taken to Budaun District another family member suffered a fractured leg. During the beatings, the police repeatedly demanded that they drop the complaint.

Yunus was subsequently charged under multiple legal provisions of Indian law, including rioting, causing hurt to deter public servant from his duty, endangering life or personal safety of others, attempt murder, and criminal conspiracy. His detention was extended multiple times until he was released on bail in January 2024. The charges against Yunus remain active.

On 21 February 2024, the WGAD transmitted a communication to the Indian Government concerning Yunus's case, after receiving a submission on his behalf. The Indian Government did not respond. Consequently, the WGAD rendered its opinion finding Yunus's detention to be arbitrary.[515]

511 Human Rights Council, Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Fabián Salvioli, 9 July 2021, para. 46.
512 MASUN, May 2024 Monthly Report, [n.d], p. 5.
513 People's Watch, JAACT Activist arrested for intervention in custodial death – Kumbakonam PS | People's Watch, 25 February 2024; see also People's Watch, Memorandum Of Criminal Original Petition. Filed U/S 482 Of Criminal Procedure Code, 2022, p. 9.
514 People's Watch, Memorandum Of Criminal Original Petition Filed U/S 482 Of Criminal Procedure Code, 2020.
515 UN Working Group on Arbitrary Detention, Opinion No. 45/2024 concerning Yunus Shah (India), 10 October 2024, A/HRC/WGAD/2024/45.

Even police officers have expressed concerns about filing complaints against their senior colleagues for the use of violence. According to recent empirical research involving police officers across the country, while 44% strongly agreed that they would feel more comfortable filing such complaints if legal safeguards were in place, 36% "expressed a moderate agreement", and 8% "said that they would never feel comfortable filing a complaint against seniors for the use of violence, even if they have legal protection".[516] In this context, it is not surprising that individuals who suffer abuse at the hands of police or other authorities would feel reluctant to come forward due to fear of reprisals.

Reprisals against CSOs, lawyers, and human rights defenders – as documented in earlier sections of this report – also obstruct accountability efforts. These actors play a vital role in documenting violations, providing legal assistance, accompanying victims, and pushing for investigations. In contexts marked by hostility toward dissent, structural discrimination, State violence, and the harassment of victims, restrictions on civil society and crackdowns on those defending human rights directly undermine victims' ability to access support, report violations safely, or pursue justice. Undermining the work of those who assist victims ultimately contributes to a cycle of impunity and the consequent normalisation of State violence.

Addressing reprisals requires more than formal complaints mechanisms – it demands concrete, accessible safeguards that prevent intimidation and retaliation. Ensuring that victims, witnesses, and civil society actors can report abuse without fear must be treated as a central component of any effective accountability framework. In light of this, the CHRI has recommended, for example, that Police Complaint Authorities be vested with powers to order the "protection of witnesses, victims and their families who might face threat or harassment for making a complaint", rather than being limited to merely advising on safeguarding measures.[517] Such reforms are important, and must be part of broader, systemic changes aimed at strengthening the independence of oversight bodies, addressing entrenched power imbalances, and ensuring that protection is not left to the discretion of the very institutions accused of abuse. It is equally important to ensure that CSOs representing or supporting victims of torture and human rights violations, or working to advance accountability more broadly, are able to operate freely and without interference.

Other barriers to accountability

Cases of torture that lead to the submission of a charge sheet and the initiation of criminal prosecution are often hindered by the requirement of executive permission (known as 'prior sanction') for the prosecution of police officers, members of the armed forces, and executive magistrates, among other public servants.[518] Since the government rarely grants such sanctions, this requirement constitutes a major obstacle to holding those responsible for acts of torture accountable.[519] In addition, such provisions violate victims' right to redress and the State's duty to investigate acts of torture, and prosecute and punish perpetrators under international law.[520]

The BNSS does not allow a court to "take cognizance", that is to say, commence proceedings, against a public servant, which include police officers, without the permission of the central or state Government.[521] This provi-

516 Common Cause, Status of Policing in India Report 2025, Police Torture and (Un)accountability, p.129.
517 Commonwealth Human Rights Initiative, Police Complaints Authorities in India, 2023, p. 146.
518 Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, ss 151, 218.
519 Common Cause, Status of Policing in India Report 2025, Police Torture and (Un)accountability, p. 148. See also Human Rights Council, Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Fabián Salvioli, 9 July 2021, A/HRC/48/60, para. 32.
520 UNCAT, arts 4, 7, 12, 13, 14.
521 Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, s 218.

sion covers most offences related to torture, but provides an exception for offences of corruption[522] and sexual violence.[523] The old Code of Criminal Procedure did not provide for a time limit on the Government's discretion to review requests to sanction the prosecution of an officer. However, under the BNSS, which came into force in July 2024, if the Government fails to make a decision on a request for sanction within 120 days from the date of the receipt of the request, the sanction will be deemed to be given.[524] The implementation of this new provision, and its impact on prosecuting police officers for acts of torture, is yet to be assessed.

In cases where permission is given, the Government also has powers to determine the specific offences to be tried, the judge to oversee the proceedings, the manner of the proceedings and the court where the trial will take place.[525] The BNSS also requires Government permission to prosecute armed forces and police for the use of force in dispersing "unlawful" assemblies.[526]

The armed forces are conferred wide immunities with overly broad language under the BNSS, which provides that "no member of the Armed Forces of the Union shall be arrested for anything done or purported to be done by him in the discharge of his official duties except after obtaining the consent of the Central Government."[527] Further, the BNSS provides that "no member of the armed forces doing any act in obedience to any order which he was bound to obey, shall be deemed to have thereby committed an offence".[528]
The AFSPA provides that all prosecutions and legal proceedings against members of the armed forces concerning "anything done or purported to be done in exercise of the powers conferred by the act" require the permission of the central Government.[529] In practice, sanction to prosecute a member of the armed forces is almost never granted.[530] Wider immunities are found in anti-terror legislation. For example, the UAPA prohibits the prosecution and legal proceedings against officials including military or paramilitary personnel carrying out an operation with the aim of "combating terrorism".[531]

No available data were found to indicate the number of cases where Government sanctions for prosecuting police or security officers were granted or refused. However, Indian civil society and media platforms have managed to report on relevant data. For example, Indian NGO MASUM has reported that since 2015, the central Government has declined to grant sanction for prosecution in 49 cases in West Bengal involving torture and extrajudicial killings by State security forces.[532] Indian media reported that the central Government has declined to grant sanction for prosecution in 49 cases out of 50 involving torture, extrajudicial killings, rape and other human rights violations committed by security forces in Jammu and Kashmir between 2001 and 2016.[533]

522 Unders 218 of the BNSS, there is an exception to the permission requirement for anti-corruption offences, which have a process outlined in the Lokpal and Lokayutas Act, 2013.
523 s 218 of the BNSS, provides that a Government sanction is not required for sexual violence offences including rape, which are stipulated in a number of sections of the of the Bharatiya Nyaya Sanhita, 2023. These sections are ss 64,65, 66, 68, 69, 70, 71, 74, 75, 76, 77, 78, 79, 143, 199 or 200.
524 BNSS, s 218 (1) (b).
525 BNSS, s 218 (5).
526 BNSS, s 151.
527 BNSS, s 42 (1).
528 BNSS, s 151.
529 The Armed Forces (Special Powers) Act, 1958, s 6.
530 Indian Express, Sanction to prosecute armed forces personnel: What are the rules that apply?, 21 July 2024. See further international NGO coverage of the Nagaland soldiers prosecution at HRW, India Events of 2023, 24 July 2023. For a historic example see AI, Denied: Failures in Accountability for Human Rights Violations by Security Force Personnel in Jammu and Kashmir, 30 June 2015.
531 Unlawful Activities (Prevention) Act (UAPA), 1967, s 49.
532 MASUM and OMCT, Submission to the United Nations Human Rights Committee for its consideration of the 4th periodic report of India at its 141th Session, 3 June 2024 at p. 8-9.
533 The Wire, MoD, Army 'Don't Have Files' on Rejected Pleas to Prosecute Security Personnel, 30 April 2018.

The People's Union for Democratic Rights documented a case in which 14 civilians were killed by military personnel in Nagaland in December 2021.[534] Although the investigation into the killings was completed in March 2022 and the charges were issued in April, the sanction to prosecute the officers charged was not granted. As a result, the Supreme Court closed the case in September 2024.[535]

In some instances, courts have limited the impact of these provisions. In March 2023, the Bombay High Court held that prior sanction is not required in cases of custodial torture,[536] as did the Kerala High Court in December 2024.[537] In July 2024, the Madras High Court held that the sanction requirement did not protect police officers below the rank of inspector.[538] However, these moves remain sporadic and inconsistent as the High Court in Allahabad recently required prior sanction in an alleged case of custodial death.[539] At the national level, in December 2024 the Supreme Court held that so long as it can be established that an act was performed in the course of duty, it will require prior sanction even if the act is excessive,[540] which would include all cases of torture committed by public officials while on duty.

As a result of these structural barriers, impunity is evident in the virtually non-existent criminal convictions for acts of torture or related offences. The official figures by the NCRB indicated that 25 cases of torture were registered through First Information Reports nationally between 2017, when records began, and 2022, with 14 prosecutions

initiated leading to three convictions and one acquittal.[541] The majority of these cases as well as the three convictions were recorded in 2017, which means that only eight cases of torture were registered against police personnel between 2018-2022 and no convictions were recorded for the same period.[542]

As illustrated in this report, the NCRB data is a severe underestimate of registered human rights violations, including deaths in custody and torture, compared to civil society reports and the statistics of the NHRC. Furthermore, official statistics of all cases of torture are unavailable due to the lack of a specific criminal offence of torture. Yet, even looking at the information compiled by the NCRB, this very small sample shows just a 12% conviction rate.

First Information Reports registered for torture-related incidents such as deaths in custody or police encounters can be used to trace impunity in the system. The NCRB reported that between 2014 and 2022, 328 cases of deaths in custody occurred, but also reported 0% convictions, with 89% of the prosecution proceedings either having been dismissed or not having received permission to prosecute.[543] Finally, the NCRB reported 35 incidents of police encounter killings, leading to 15 prosecutions but no convictions were reported between 2017 and 2022.[544]

534 The Wire, Exclusive: Army Officer 'Wilfully Suppressed' Info That Could Have Prevented Nagaland Killings, Says SIT, 7 July 2022.
535 Times of India, Botched Naga op: SC closes criminal cases against 30 Armymen, 18 September 2024.
536 Livelaw, Custodial Torture Not Official Duty: Bombay Hight Court Directs Sessions Court To Enhance Charges Against Police Officers From Hurt To Murder, 28 March 2023.
537 Livelaw, 'Torture' Not Part Of Police's Official Duty, No Sanction Required To Prosecute For Such Acts: Kerala High Court, 2 December 2024.
538 Times of India, No need of govt nod to prosecute cops below inspector rank: HC, 26 July 2024.
539 Smt Kalli v. State Of U.P. and 2 Others Application U/s 482 No. – 17579 of 2024, 30 September 2024.
540 Om Prakash Yadav v. Niranjan Kumar Upadhyay 2024 INSC 979, para. 66. See the Supreme Court in Om Prakash Yadav v. Niranjan Kumar Upadhyay Criminal Appeal Nos. 5267-5268 of 2024, for a full exposition of the caselaw, and then gives its key reasoning at para. 65(ii). The Court also stated that: "If in performing his official duty, the public servant acts in excess of his duty, the excess by itself will not be a sufficient ground to deprive the public servant from protection under s 197 CrPC".
541 NCRB, Cases Registered against State Police Personnel for Human Rights Violation for the years 2017, 2018, 2019, 2020, 2021, and 2022 (note that the NCRB does not have publicly available data on convictions of police personnel for human rights violations for the years 2022-24). The NCRB includes a subcategory for cases of torture, but given the lack of a criminal offence of torture in the Indian legal framework, there are no information available on the standard and definition adopted to record cases of torture by the NCRB.
542 Common Cause, Status of Policing in India Report 2025, Police Torture and (Un)accountability, p. 172.
543 NCRB, this figure is found from the table 'Reasons of Custodial Deaths' from the Crime in India and annual reports for 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, and 2022 (note that as of May 2025, there are no publicly available Crime in India annual reports for 2023 or 2024).
544 NCRB, Cases Registered against State Police Personnel for Human Rights Violation for the years 2017, 2018, 2019, 2020, 2021, and 2022 (note that the NCRB does not have publicly available data on cases registered against police personnel for human rights violations for the years 2022-24).

REDRESS

Ending torture, seeking justice for survivors

Photo cover by B Mathur/REUTERS
A sandal lies near police during a protest in New Delhi against corruption and rising food prices. Authorities used batons, water cannons, and tear gas to disperse demonstrators.

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REDRESS
Unit G01, 65 Glasshill Street
SE1 0QR, London, UK
+44 (0)20 7793 1777
info@redress.org

company/REDRESS
redresstrust
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